AGRICULTURE COST SHARE PROGRAM

Technical Review Committee

April 23, 2025 - 1:30 PM

Join Microsoft Teams Meeting

Attendees

TRC Members: John Beck, David Harris, Dewitt Hardee, Benjy Strope, Rodney Wright, Rachel Smith, Jim Kjelgaard, Erin Rivers, Rick McSwain, Alex Jones, Niroj Aryal, Starla Harwood, Keith Larick (alternate for Anne Coan).

Guests: Lisa Fine, Shelby Kaplan Allie Dinwiddie, David Williams, Lorien Deaton, Michael Shepherd, Chris Love

AGENDA

1. Welcome
    A. Call to Order at 1:31 PM
    B. John Beck reviewed the meeting agenda

2. Review and Approval of February Meeting Minutes
    A. Benjy Strope motioned to approve, Dewitt Hardee seconded.
        I. Motion is approved, no objections or abstentions.

3. ACSP Exclusion Fence Policy Updates
    A. Benjy wanted clarity on what exclusion would be for and that it includes benefits outside water quality
        I. This could be any surface water (pond, stream, any cattle access)
        II. Purpose for cost share must be water quality
    B. David Williams suggests that if the cooperator is installing fence at their own expense, then this policy doesn't apply at this level. It may be better suited to move this part of the policy
        I. Rachel Smith thinks that its because if they're required to exclude based on another practice, then they could still apply?
        II. May be best in both the policy and the general measures
        III. This will be on the contract even if not cost shared, which clarifies things (needs to be in the system for spot checks and other requirements)

C. It would be good to add what provisions would apply for this practice on setbacks
D. Rachel thinks that the temporary fencing statement is contradictory
    I. The idea is that if they want to install 2 runs that would be allowed
    II. Dewitt suggests that the commission assumed the cooperator would have a stream protection system, and allow flash grazing in a specific area. So, the temporary fence would be to keep the livestock out of the stream.
    III. The 'streambank' word is confusing, wouldn't need any additional fencing if you're required to fence out the streambank
    IV. David Williams want to strike this portion all together, requirement of additional streamside fencing is unnecessary and undermines the purpose of the practice. He is less worried about the cattle having access to the water for a day
        1. Dewitt agrees that this is ok, but the cattle cannot have access for more than a day (especially with the requirement in point 5d)
        2. Rodney Wright also agrees with David's point and thinks it would make it more complicated to keep this statement
    V. Rachel emphasized the importance of vegetation height on the streambank
E. Dewitt brings up a point on land ownership and if the water borders another property, would temporary fence be recommended in this situation?
    I. There is no problem with it being a recommendation, but it just shouldn't be a requirement and that this wouldn't be cost shared on
F. Decided not to have hard dates because it becomes difficult for districts to do that or if there is a natural disaster, etc.
    I. Rachel suggests 'late spring' for flash grazing (point 5d), so that the vegetation is up but not setting seed
    II. 'during the growing season' and just one day
        1. Dewitt likes this better, to ensure no damage to the streambank (if its vegetated during the growing season, this would allow for better protection to the vegetation)
    III. Dewitt suggests one time between late spring and early fall (seasonal growth differs across the state, so dates make this difficult)
G. Allie notes that 5h might include other rules that are specific to surface water classifications/water supply watersheds other than just the watershed buffer rules
H. David Williams asked about what percent of the exclusion system contracts meet that 20ft setback
    I. He suggests that those people would still be able to use the flash grazing if using that setback, but the maintenance would be renewed

1. Dewitt thinks this might make it very complicated

I. Anticipate that the spot checks would be done when they typically are in the spring (May)

J. David Harris motions to recommend adoption of the new policy and approve application of the policy changes to the current policy

I. Dewitt seconds and motion passes (he assumes that there will still be more questions from the commission)

II. Rachel Smith abstains from voting, she does not fully agree with the approval

4. Waste Management BMP Workgroup Updates

A. Manure Composting Facility (ACTION)

I. Jim Kjelgaard a little confused about the manure portion of this, since you would be composting more than manure

1. This type of composting would be in the mortality composter

II. Guidelines are generally for mortality composters, but there are items that are useful in there that can be applied to manure composters

III. Benjy motions to approve, Rachel second

1. Motion passes

B. Revisions to Waste Impoundment Closure and Retrofit of On-going Animal Operations (ACTION)

I. Dewitt is asking about if a cap exists or does the initial calculation have to be considered the cap

1. Michael says this would be based on allocations to the district, a supplement could be done to increase the cost if needed

II. Vendors can be anyone on an approved list, don't require the lower of the two bids or they can do it themselves

III. Dewitt motions to approve and Benjy seconds

1. Motion passes

5. ACSP Average Cost List Update

A. John Beck provided a brief updated on work completed to date and will send a recording of the presentation to the group.

6. Member Items

- None

Meeting adjourned 4:06

- Benjy motions and Dewitt seconds
  - Motion passes

ACSP Technical Review Committee

April 23, 2025

Technical Review Committee Meeting Agenda

1. Welcome
2. Approval of February Meeting Minutes
3. ACSP Use Exclusion Fencing Policy
4. Waste Management BMP Policy Updates
5. ACSP Average Cost List Update
6. Member Items

TRC Membership

John Beck, Chair	Division of Soil and Water Conservation
Erin Rivers	Cooperative Extension Service/ NC State University
Niroj Aryal	School of Agriculture, NC A & T State University
Alex Jones	N. C. Department of Agriculture and Consumer Services
Starla Harwood	Farm Service Agency
Anne Coan	N. C. Farm Bureau Federation
Dewitt Hardee	N. C. State Grange
Brandon King	State Resource Conservationist, NRCS
Jim Kjelgaard	State Conservation Engineer, NRCS
Rachel Smith	Division of Soil and Water Conservation
Rick McSwain	Division of Soil and Water Conservation
Charlie Deaton	Division of Marine Fisheries
Benjy Strope	Wildlife Resources Commission
Rodney Wright	Rockingham Soil and Water Conservation District Employee
David Harris	Durham Soil and Water Conservation District Supervisor

February Meeting Minutes

- Review and approve the February 26, 2025 TRC meeting minutes

Use Exclusion Fence BMP with Flash Grazing

Flash Grazing Update

Updates from last meeting:

- Flash grazing provisions were updated to incorporate TRC comments
- Revised the temporary water supply failure (emergency) allowance
- Added a policy on contract modifications

→Revisions have been added to a new “Use Exclusion Fencing” BMP

Flash Grazing Discussion Items

1. Review changes to exclusion fence requirements
   - Applies to any fencing BMP
2. Discuss updates to flash grazing provisions (policy #5)
3. Review revised temporary water supply failure allowance (policy #7)
4. Determine retroactive approval policy (policy #11)
5. Define spot checks requirement

Agriculture Cost Share Program

Use Exclusion Fencing

Definition/Purpose

A Use Exclusion Fencing means a system of permanent fencing (board, barbed, high tensile or electric wire) installed to exclude livestock from streams and critical areas not intended for regular grazing to improve water quality. Benefits may include reduced soil erosion, sedimentation, pathogen contamination and pollution from dissolved, particulate, and sediment-attached substances. (DIP)

Policies

1. Livestock exclusion requires permanent fence and the average cost includes the cost of all materials, gates, and labor for installation of fencing.

2. A ~~landowner~~ cooperator may, as part of an ACSP contract for stream protection system, **provide fencing at ~~his/her~~their own cost.** This Use Exclusion Fencing BMP must be included on the ACSP contract regardless of funding. All fencing installed at the ~~applicant's~~ cooperator's expense must meet NRCS Standards or technical staff with appropriate JAA can document~~s~~ the fencing does not meet standard but will serve the intended purpose for the duration of the contract. A statement confirming fence installation must accompany the RFP. The location of non-cost shared fencing must be indicated on the conservation plan map.

3. Technical staff shall have the responsibility for determining appropriate setbacks for cost shared fencing in accordance with Agriculture Cost Share Program policy (see Stream Protection Management Measures General Policy for setback requirements and documentation) and NRCS standards as follows:

    a. Cost shared fencing must be set back a minimum of ten (10) feet from the top of the stream bank unless other provisions (4.b, 5.b.) apply. Maintenance flexibility may require additional setbacks.

    b. Livestock exclusion in conjunction with heavy use area protection measures (i.e. loafing lots, barns, feeding stations, watering facilities, stock trails), or if livestock are concentrated in the vicinity of the stream, or if runoff from areas of livestock concentration could reach the stream, then the cost shared fence ~~shall~~ is required to have ~~be set back~~ a minimum setback of twenty (20) feet from the top of the stream bank ~~(i.e. heavy use area protection measures, loafing lots, barns, feeding stations, watering facilities, stock trails)~~. The only allowable exception to the 20-foot set back requirement for cost shared fencing is if the tank, heavy use area, etc. is located a minimum of one hundred (100) feet from the top of the stream bank, the minimum setback for cost shared fencing shall be ten (10) feet.

    c. If stream riparian areas have been damaged or destroyed, then fencing should be set back far enough to permit the establishment of woody vegetation on the stream banks.

    d. If the stream bank or channel erosion is such that there exists the potential for the fence posts to be undermined by the stream during the life of the fence, then setbacks should be increased significantly (field determination).

(April 2025)

e. For all cost shared BMPs which require fencing, a statement indicating the setback distance from all existing or planned practices or structures to the stream bank must be included in the conservation plan, and distances must be indicated on the plan map (tank, heavy use area, barn etc.). (Note: "Meets set back requirements" is not acceptable. Actual set back distances must be indicated.)

4. Heavy use areas which are components of 15A NCAC 02T.1300 certified animal waste management plans must meet additional buffer requirements as included in SB 1217 interagency guidance documents.

~~4.~~5. Flash grazing is intended to maintain desired riparian resource conditions by managing the frequency, duration, timing, and intensity of use by flash grazing animals in pasture systems. The goal of this practice is to permit livestock management of riparian areas while maintaining riparian and watershed function, surface water quality, and desired species composition and vigor of plant communities. It is not to be utilized to access additional grazing land when pasture forage is insufficient.

a. Flash grazing to manage vegetation within excluded riparian areas is permitted at the discretion of the District board based on local priorities ~~and/or~~with a site-specific determination by the conservation planner. Field offices unwilling to assist cooperators in achieving success and monitor flash grazing activities should not offer this practice to cooperators in their district.

b. Fencing must be located at a minimum of 20 feet on average from the top of the streambank.

c. Temporary fencing (not cost-shareable) is ~~required~~ recommended to protect streambanks while using forage adjacent to the stream. ~~Additional streamside fencing may be installed to exclude livestock from surface water.~~

d. Flash grazing is permitted for one day ~~each~~ from late spring through~~and/or~~ early fall when soil is dry enough to minimize trampling damage and~~,~~ plant cover is abundant. ~~, and plants are not emerging or setting seed.~~ Grazing must be managed to allow plants to reestablish leaf area and replenish root stocks. Where the intent is to establish and maintain woody vegetation, grazing is not permitted until present vegetation is hardy enough to withstand browse. Grazing activities should be planned only during times when risk to the environment is limited and monitored to ensure adequate cover remains to protect riparian areas from erosion due to seasonal runoff.

e. Plans must include specifications for livestock type, livestock number, access timing, forage amounts, grazing duration, forage composition, and allowable grazing heights to prevent resource concerns. The height of forage residues following grazing should be based on environmental conditions and plant species. The forage residue stubble height must not average less than six inches.

f. Flash grazing is not permitted to ~~overlap with~~undermine exclusion requirements or grazing prohibitions of any other cost shared BMPs during their maintenance

period. For example, flash grazing of restored streams and streambanks, forested riparian buffer, pond or waste storage facility dams, critical area plantings or other vegetative BMP established with cost share funds is not permitted during the maintenance period.

g. Consideration should be given to conserving wildlife when flash grazing is practiced. Consultation with a NC Wildlife Resource Commission biologist is recommended.

h. Established watershed~~ buffer~~ specific rules and conservation easement agreements supersede ACSP policy and must be followed. Where conservation easements exist, documentation from the easement holder stating flash grazing as permissible must be retained with the contract.

6. Livestock access to excluded riparian areas outside of the approved access control plan is a violation of the 10-year maintenance agreement of all contracted stream protection measures. Any damage incurred during the approved grazing period must be repaired at the cooperator's expense in a timely manner following the established non-compliance policy.

~~Unapproved allowance of livestock re-entry to streams or stream banks at any time during the 10-year life of a practice for stream bank protection systems is a violation of the maintenance agreement. **Using livestock to mow stream banks is never allowed!**~~

7. Temporary water supply failures may include power outages, pump failures, or periods of severe to exceptional drought (according to the NC Drought Management Advisory Council) resulting in depletion of the existing water source. In cases of these or similar failures, cooperators may contact their district and request a temporary exception to ACSP fencing policies. The duration of the temporary exception will be determined by the district and supporting notes must be included in the contract file.

~~5.~~8. If cost share is received for cropland conversion to permanent vegetation the cooperator cannot receive cost share for livestock exclusion, watering facilities, etc., on the same field for the life of the contract.

~~6.~~9. If significantly less fencing than planned in the contract is installed, a statement signed by the technician must be submitted to the Division explaining why the fencing was canceled from the contract (see Stream Protection Management Measures General Policy). **Failure to install required fencing constitutes non-compliance for all BMPs in the stream protection system.**

10. ACSP funds shall not be used to cost share for fencing using used materials.

~~7.~~11. A cooperator with an active ACSP contract, including the Livestock Exclusion Fencing BMP, may request a contract modification to Use Exclusion Fencing BMP if the original contract design meets all the flash grazing provisions described above and the cooperator agrees to the additional management and maintenance requirements. The original contract maintenance period does not change due to modification of the fencing BMP type.

Commented [JB1]: Could they request a modification on a previous contracts if they extended the maintenance period?

USE EXCLUSION FENCING	
Maintenance Period	10 years
BMP Units	LIN FT
Required Effects	ACRES_AFFECTED ANIMAL TYPE ANIMAL UNITS
JAA	SWCC - Livestock Exclusion Fence NRCS - ECS - 382 - Fence NRCS - ECS - 472 - Access Control
NRCS Standards and Reference Materials	NRCS - ECS - 382 - Fence NRCS - ECS - 472 - Access Control
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads
Additional Spot-check Requirements	The district shall inspect the site annually during the maintenance period.

Exclusion Fencing Approvals

1. Action: *Recommend adoption of the Use Exclusion Fencing as a new ACSP BMP policy.*

2. Action: *Approve application of Use Exclusion Fencing policy (#s 1, 2, 3, 7) changes to the Livestock Exclusion Fencing BMP policy.*

Waste Management BMP Policy Updates

Commission Meeting Update

- All recommended Waste Management BMPs were approved
  A. Odor Control Management System
  B. Storm Water Management System
  C. Waste Treatment Lagoon/Storage Pond

Waste Management BMPs

SWCC Approved

- Dry Stack
- Lagoon Biosolids Removal
- Waste Impoundment Closure
- Manure/Litter Transport
- Retrofit of On-going Animal Operations
- Constructed Wetlands
- Waste Application System
- Concentrated Nutrient Source Management System
- Insect Control Practice
- Solids Separation from Tank/Raceway-based Aquaculture Production
- Odor Control Management System
- Storm Water Management System
- Waste Treatment Lagoon/ Storage Pond

TRC Agenda

- Closure/ Retrofit Cost Revision
- Manure Composting Facility

Workgroup Approved

- Waste Management Measures General Policy
- Feeding/ Waste Storage Structure
- Heavy Use Area Protection

In-Progress

- Livestock Mortality Management System

Manure Composting Facility

<u>Previous Updates</u>

- Minor technical updates
- Added reference to the Veterinary Division's Composter Guidelines
  - Will link on BMP page
- Modified JAA and reference materials

Manure Composting Facility

TRC Request

- Provide clarity on the scope required for the WMP
- What aspects of the facility's waste production is covered in the plan with the addition of a compost facility?
  - Changed "operation" to "facility" →focus of the plan is the impacted portions of the animal facility
  - Covers the entire confined animal facility impacted by the composter

Manure Composting Facility

2. A Waste Management Plan is required and should take into account the collection, treatment, storage, and end use of the compost. The Waste Management Plan shall address the storage and waste needs of the entire confined animal facility utilizing the composter and not just the acreage associated with the composted waste product. ~~The plan will be completed for the entire animal operation and not just the acreage associated with the composter and compost.~~

Discussion and Approval

- Action requested: *Approve the Manure Composting Facility BMP revisions*

Manure Composting Facility

Definition/Purpose

Composting is an aerobic biological process in which microorganisms and temperature convert manure and other organic matter (carbon) into a soil-like material with reduced pathogen content called compost. Compost can be applied as a soil amendment to improve soil health and plant growth. A composting facility is a facility for the biological treatment, stabilization and environmentally safe storage of organic waste material (such as manure from poultry and livestock) to minimize water quality impacts and to produce a material that can be recycled as a soil amendment and fertilizer substitute. (DIP)

Policies

1. If a composter is approved, an Operation and Maintenance Plan must be developed to guide the user in the proper management of the composting facility. It should address carbon-nitrogen ratios of feedstocks, moisture management, pile configuration, composting period, temperature monitoring, pile aeration, insect, odor and scavenger management, curing and storage, and testing of finished compost.

2. A Waste Management Plan is required and should take into account the collection, treatment, storage, and end use of the compost. The Waste Management Plan shall address the storage and waste needs of the entire confined animal facility utilizing the composter and not just the acreage associated with the composted waste product. ~~The plan will be completed for the entire animal operation and not just the acreage associated with the composter and compost.~~ If compost is land applied ~~by the cooperator~~ on any land under ~~his/her~~their control (owned, rented, etc.), then a detailed site location map delineating the fields used should be in the Waste Management Plan. If a third-party applicator is used to move compost off the site, then an agreement, including the name and address, must be maintained for the life of the practice. Pursuant to 15A NCAC 13B .1402, a permit from the NC Department of Environmental Quality, Solid Waste Section, may be required if the compost is offered for commercial or retail sale.

3. A composter must be covered with a roof meeting the NRCS Roofs and Covers (367) standard to prevent nutrient runoff from the processing, treatment, or storage of compost materials. Runoff from the compost~~er~~ system must be collected and disposed of properly according to NRCS Waste Transfer (634) standard ~~#634 waste transfer~~.

4. A composter shared by landowners is eligible for cost share if agreements are in place for the cost-shared landowner when he/she is under contract to receive compost from other landowners. The agreement should be attached to the contract. This agreement must be signed and dated by all landowners sharing the facility and must state that the facility may be used by each landowner for a minimum period of ten (10) years. To prevent the spread of disease in animal health emergency situations, the mixing of material from multiple operations should be suspended.

5. Payment will be made for the minimum volume required using NRCS design criteria for primary and secondary treatment, and/or storage of composted material in one structure.

(April 2025, March 2020, April 2019, March 2019, July 2012)

Storage volume is equal to a maximum of four (4) times the primary volume. Additional volume needed to accommodate the producer's equipment and/or desires will be at the producer's expense and must be stipulated on the design. Secondary uses related to agriculture may be temporarily permitted provided they do not prevent the structure from being used for its primary purpose.

6. Pursuant to 15A NCAC 02T regulations, waste storage structures must be located at least 100 feet from streams and groundwater wells. NRCS standards require all waste structures to be a minimum of 50 feet from wells, streams or other water features. This setback requirement also pertains to compost facilities.

7. All NRCS and NC Agriculture Cost Share Program standards and policies relative to vegetation of critical areas must be followed, if applicable.

~~7.~~8. All deemed permitted composting systems according to 15A NCAC 02T .0113 (a)(12) shall be operated following the conditions and stipulations in the NC Department of Agriculture & Consumer Services Veterinary Division's Poultry & Swine Composter Approval Guidelines.

MANURE COMPOSTING FACILITY	
Maintenance Period	10 years
BMP Units	EACH
Required Effects	ACRES_AFFECTED ANIMAL TYPE ANIMAL UNITS N and P Waste Managed
JAA~~/NRCS standards unless otherwise noted~~	Professional Engineer Or NRCS – ENG – 317 – Composting Facility NRCS – ENG – 367 – Roofs and Covers NRCS – ENG – 634 – Waste Transfer NRCS – ENG – 561 – Heavy Use Area Protection ~~ECS - 590 - Nutrient Management~~ ~~During animal health emergency situations, NC GS 106-403 "Disposition of dead domesticated animals". Administrative code 02 NCAC 52C .0102 "Disposal of Dead Animals" and NRCS Standard #368 (Emergency Animal Mortality Management) should be reviewed in order for this BMP to be used for disposal of animals.~~
NRCS Standards and Reference Materials	NRCS - ENG - 317 - Composting Facility NRCS – ENG – 367 – Roofs and Covers NRCS - ECS - 590 - Nutrient Management NRCS – ENG – 561 – Heavy Use Area Protection

(April 2025, March 2020, April 2019, March 2019, July 2012)

	NC Department of Agriculture & Consumer Services Veterinary Division's Poultry & Swine Composter Approval Guidelines NC NRCS CPS – 368 Emergency Animal Mortality Management NC GS 106-403 "Disposition of dead domesticated animals". Administrative code 02 NCAC 52C .0102 "Disposal of Dead Animals".
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads ~~NC-ASCP-WMP Form~~Waste Management Plan NC-ACSP-OMP Form
Additional Spot-check Requirements	All waste management systems for operations not permitted by the Division of Water Resources must be spot-checked annually for five years following implementation.

Waste Impoundment Closure/Retrofit BMP Cost

- Currently **actual** cost 75% & 90%
  - Requires two bids to determine the contract amount
  - RFP is paid based off receipts
  - Contract maximums $75k & 90K
- Proposed change to **average** cost
  - Contracted off sludge survey volume
  - RFP paid based on actual volumes applied + dam stabilization
  - Contract maximums $75K & 90K remain

Waste Impoundment Closure/Retrofit BMP Cost

- NRCS EQIP Payment Rates

Component	Units	Unit Cost
Convert to Freshwater 50% Solids	Cu-Ft	$0.23
HU-Convert to Freshwater 50% Solids	Cu-Ft	$0.28
Decommission 5% solids	Cu-Ft	$0.22
HU-Decommission 5% solids	Cu-Ft	$0.27
Decommission 50% solids	Cu-Ft	$0.28
HU-Decommission 50% solids	Cu-Ft	$0.33
Decommission Concrete Storage	Cu-Ft	$2.79
HU-Decommission Concrete Storage	Cu-Ft	$3.35
Decommission Feedlot	Cu-Ft	$0.28
HU-Decommission Feedlot	Cu-Ft	$0.33
Decommission Long Haul	Cu-Ft	$0.35
HU-Decommission Long Haul	Cu-Ft	$0.42

Proposed ACSP Average Cost Payment Rates:

Component	Units	Unit Cost
Waste Impoundment Closure	Gallon	$0.04
Waste Impoundment Closure – Stabilization for Breach/Freshwater Pond Conversion	Job	$4,000

- Submit land application records to verify gallons removed
- Flat rate for decommission stabilization
- For backfill, use vegetation component

❖**Also applies to the Retrofit of On-Going Animal Operations BMP**

Closure/Retrofit BMP Updates

- Removed references to bids and receipts
- Removed reference to actual cost amount for pond conversions
- Added:
  - Statement that the payment rate for closure is based on average cost
  - Reference to the new average cost list components for closure and stabilization for breach and freshwater pond conversion
  - Payment is determined by the gallons documented in the waste application record

Impoundment Closure/Retrofit BMP Cost Update

Component	Unit	Unit Cost	Maximum Cost Share 75/90%	Cost Type
Current Cost				
Waste Impoundment Closure	Job	Cost Share percent of actual amount not to exceed	$75,000/ $90,000	Actual
Retrofit of On-going Animal Operation	Job	Cost Share percent of actual amount not to exceed	$75,000/ $90,000	Actual
New Cost				
WASTE IMPOUNDMENT CLOSURE	Gallon	$ 0.04	$ -	Average
WASTE IMPOUNDMENT CLOSURE – Stabilization for Breach/Freshwater Pond Conversion	Job	$ 4,000	$ -	Average
Retrofit of On-going Animal Operation	Job	Cost Share percent of actual amount not to exceed	$75,000/ $90,000	Actual
Retrofit of On-going Animal Operation - CLOSURE	Gallon	$ 0.04	$ -	Average
Retrofit of On-going Animal Operation - CLOSURE: Stabilization for Breach/Freshwater Pond Conversion	Job	$ 4,000	$ -	Average

Waste Impoundment Closure

Definition/Purpose

A Waste Impoundment Closure means the safe removal of existing waste and waste water and utilization in an environmentally safe manner. This practice is only applicable to animal waste storage ponds and lagoons. (DIP)

Policies

1. The Commission agrees that both technical and financial assistance from the District may be appropriate to ensure water quality protection in situations where farmers are going out of business or where a landowner who was not an operator has an abandoned waste impoundment on his/her property.

   Therefore, the District may enter into a contract to offer Cost Share Program financial assistance for a waste impoundment closure. Applicants must follow these guidelines:

   a. The District must verify the system is not under active maintenance requirements for an ACSP contract.

   b. The District demonstrates clearly in the contract provided to the Division that the waste impoundment is in a condition that is creating a water quality problem or presents a potential water quality problem if not corrected.

   c. Each contract must contain the following information and must be received by the Division prior to approval:

      i. Waste impoundment closure plan.

      ii. Phosphorus Loss Assessment Tool (PLAT) results for each application field.

      iii. Cooperator acknowledgement form.

      iv. Biosolids Impacts to Land Acknowledgement Form for each leased application field

      v. Division waste impoundment closure plan approval letter.

      vi. Waste impoundment specification question form.

      vii. A profile of the dam and how it is to be breached, if applicable.

      viii. A design of the spillway(s) and installation guidelines, if converting to a freshwater pond.

      ix. Division engineering approval letter for freshwater pond conversions.

~~x. Two estimates from established contractors, using the entire volume of system as determined by the District and as included in the waste impoundment closure plan. In situations where pumping is impractical because of consistency of biosolids (i.e. sludge), biosolids should be excavated. Estimates should include information regarding how waste is to be removed (i.e. drag line, agitate and pump, etc.).~~

~~xi.~~x. A statement signed by the applicant/landowner that he/she will not re-implement the system and that no confined animal operation will be restarted on that farm. The completion of **NC-ACSP-1C** (07/02) meets this requirement. To close waste impoundments on active confined animal operations utilize the Retrofit of On-Going Animal Operations BMP.

~~xii.~~xi. **A statement, signed by the technician, certifying that the operation has an approved waste management plan is required for all contracts.**

2. For all waste impoundment closures:
   a. Phosphorus Loss Assessment Tool (PLAT) shall be used to assess phosphorous application rates for all planned fields according to NC NRCS Conservation Practice Standard No. 590 “Nutrient Management”, April 2024 or any subsequent amendment as described in the CPS – 360 Waste Facility Closure standard.

   b. This practice shall not be used to apply waste at a rate exceeding the following maximums:
      i. For sites with a phosphorus loss potential (per PLAT) of low or medium, waste shall be applied in accordance with a nitrogen-based waste application plan.

      ii. For sites with a phosphorus loss potential (per PLAT) of HIGH, waste shall be applied accordance to the phosphorus removal rate of the receiving crop.

      iii. No application of waste is allowed for sites with a phosphorus loss potential (per PLAT) of VERY HIGH.

      iv. Planning shall project the impact of the waste application to heavy metal critical levels based on soil index. Alternative application sites should be selected if projections indicate that metals may approach excessive levels.

      v. In addition, the application shall not exceed the rate specified per acre in the plan nor the total nitrogen requirement of the receiving crop specified in the plan. If additional nitrogen is needed, consideration must be given to limit additional phosphorus application.

   c. The District or a Technical Specialist shall prepare the waste impoundment closure plan in accordance with the current standards promulgated by the United States Department of Agriculture, Natural Resource Conservation Service and

the State of North Carolina, using the latest version of NC Nutrient Management Planning Software program. The plan must address removal of transfer pipes and installation of a spillway, if needed. The planned waste application may not cause excessive zinc or copper soil levels and shall occur within the animal waste application window based on SB1217 guidance document.

d. The plan shall be written according to the closure methodologies agreed upon by the producer and contractor (i.e. agitate and combine all liquid and biosolids, pump to water off then agitate, dredge biosolids, etc.). If it is determined that a different methodology will be used after development of the plan, the plan shall be revised and approved by the division prior to land application of waste. The revised plan approval must be included in the project file.

e. All land application setbacks according to 15A NCAC 02T .1304 and SB1217 guidance document shall be observed in the development of the waste application plan and adhered to during land application of waste.

f. A pre-construction conference including the district technical representative, nutrient management plan developer, contractor and landowner shall be held prior to commencement of closure.

g. Cost Share Program funds will be used for the removal of waste and stabilization of site only (not for fill materials). Removal of foreign materials will be at the landowner's expense and must be removed according to state and federal guidelines.

h. Breaching of any diked or dammed structures is optional; however, all disturbed areas will be vegetated to permanent grass, trees, or wildlife plantings according to NRCS 342 Critical Area Planting Standard. NCACSP policies and NRCS Standards will apply to all vegetated areas.

i. Districts may write contracts for waste impoundment closures based on the lowest bid that is technically acceptable. Payments will be based on actual cost shown on receipts. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.

j. Copies of ~~receipts,~~ waste application records, DSWC certification of closure form and DWR closure report form must accompany the Request for Payment.

k. The TRC subcommittee for waste management measures will review lagoon/pond closure contracts that exceed $50,000. The District will be notified of the subcommittee's decision. Closure activities covered by the contract shall not begin until the District has received the approval from the Division.

3. In addition to above, for waste impoundment closures converting to a freshwater pond:

a. All pond designs and completed construction must be certified by a professional engineer or an individual with appropriate Job Approval Authority.

b. The landowner is responsible for acquiring any appropriate local, state and federal permits.

(April 2025, July 2024, May 2019, July 2012)

c. The pond must be designed to meet the specifications listed below based on the hazard classification:
    i. Excavated Ponds– NRCS Standard 378
    ii. Low Hazard – NRCS Standard 378 OR NC Dam Safety Law (15A NCAC 02K .0100)
    iii. Intermediate Hazard – NC Dam Safety Law (15A NCAC 02K .0100)
    iv. High Hazard – NC Dam Safety Law (15A NCAC 02K .0100)

d. A Jurisdictional Determination/Hazard Classification Request form may be required to determine hazard classification. The design engineer is responsible for submitting the request to NC Dam Safety.

e. Any pond dam that is classified as Intermediate or High Hazard, pursuant to NC Dam Safety Law, is required to be designed by a private engineer.

f. Private engineer designs, except for High Hazard ponds, shall be submitted to a Division Engineer for review and approval of Job Approval Authority.
    i. Dam Safety design and construction approval shall serve as Job Approval Authority for High Hazard ponds.

g. A pre-construction conference including the district technical representative, designer, contractor and landowner shall be held prior to commencement of conversion.

h. Upon completion of the project, copies of the as-built survey should be provided to the Soil and Water Conservation district, landowner and Division of Soil and Water Conservation.

i. An Operation and Maintenance Plan is required.

j. Livestock shall be excluded from the pond. Ponds without livestock access do not require fencing.

k. Additional water can be used to fill ponds including stormwater runoff, wells, streams and other water resources.

l. For excavated ponds and those embankment dams with low hazard classification, trees six inches in diameter or greater can remain in the embankment if they are not dead or unhealthy, and if they are located such that they could not pose structural damage to the embankment, pipes, or spillway structures etc. All other trees, shrubs and woody vegetation shall be removed.

m. For waste impoundments being converted to a freshwater pond, a Certificate of Completion must accompany the Request for Payment.

~~n. Eligible pond conversion costs will be based on the approved engineering design within the maximum cost share for the practice listed in the NCACSP average cost list.~~

4. Costs for closing the waste impoundment are based on average cost, not to exceed the maximum cost share for the practice listed in the NCACSP average cost list. Refer to the average cost list for closure and stabilization of breach and freshwater pond conversion component rates. Payment will be based on gallons documented in the waste application record during the closure process.

~~4.~~5. A signed copy of the waste impoundment closure plan must be sent to the appropriate DWR Regional Office and to animal.operations@deq.nc.gov prior to starting the closure process. The permittee shall notify the appropriate DWR Regional Office at least twenty-four (24) hours prior to beginning closure of the waste impoundment.

~~5.~~6. Maintenance period requirements are based on closure method as described below:

a. When a waste impoundment is closed to meet the NRCS 360 Waste Facility Closure standard per breach or backfill final decommissioning method, a one-year site maintenance period is required to ensure proper practice function and any necessary vegetative establishment to stabilize the site is achieved prior to land or site use conversions.

b. When a waste impoundment is closed to meet the NRCS 360 Waste Facility Closure standard criteria per freshwater pond conversion final decommissioning method, then a 10-year maintenance period is required of the resulting pond structure. The pond structure may receive funding for repair during the maintenance period.

WASTE IMPOUNDMENT CLOSURE	
Maintenance Period	1 year – breach/backfill 10 years – pond conversion
BMP Units	EACH
Required Effects	ACRES_AFFECTED ANIMAL TYPE ANIMAL UNITS N and P WASTE MANAGED
JAA	NRCS - ENG - 360 - Waste Facility Closure **OR** SWCC JAA ~~-~~ Closure - Waste Impoundments **OR** Professional Engineer **For Conversion to Freshwater Ponds:** Professional Engineer
NRCS Standards & Reference Materials	CPS – 360 Waste Facility Closure CPS – 590 Nutrient Management CPS – 342 Critical Area Planting CPS – 378 Pond NC Dam Safety Law (15a NCAC 02K. 0100) Lagoon Closure Steps DSWC Guidelines for Lagoon Closure Plan Development
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads NC-ACSP-1C Form Waste Impoundment Specification Questions Form ~~Two bids~~ Cooperator Acknowledgement Form Waste Impoundment Closure Plan Approval Letter Waste Impoundment Closure Plan ~~Receipts (for RFP)~~ DWR Closure Form (for RFP) Waste Application records (for RFP) DSWC Certification of Closure Form (for RFP) **For Conversion to freshwater pond also include:** Operation and Maintenance Plan Division Engineer Approval Letter Pond Conversion Design Certification of Completion Form (for RFP)
Additional Spot-check Requirements	All freshwater pond conversions must be spot-checked annually for five years following implementation.

(April 2025, July 2024, May 2019, July 2012)

Retrofit of On-Going Animal Operations

Definition/Purpose

Retrofits of On-Going Animal Operations are modifications of waste storage impoundments to increase capacity or to correct design flaws to meet current standards. This practice may also be used to close waste impoundments on on-going operations, including the safe removal of existing waste and waste water and the application of this waste on land in an environmentally safe manner. (DIP)

Policies

Existing, on-going operations which desire to close or retrofit existing waste impoundments to meet current standards, regulations, or rules are eligible for cost share reimbursement under the following guidelines:

1. For closure of waste impoundments, contracts must adhere to the following guidelines:

    a. Each contract must contain the following information and must be received by the Division prior to approval:

        i. Waste impoundment closure plan.

        ii. Phosphorus Loss Assessment Tool (PLAT) results for each application field.

        iii. Cooperator acknowledgement form.

        iv. Biosolids Impacts to Land Acknowledgement Form for each leased application field.

        v. Division waste impoundment closure plan approval letter.

        vi. Waste impoundment specification question form.

        vii. A profile of the dam and how it is to be breached, if applicable.

        viii. A design of the spillway(s) and installation guidelines, if converting to a freshwater pond.

        ix. Division engineering approval letter for freshwater pond conversions.

        ~~x. Two estimates from established contractors, using the entire volume of system as determined by the District and as included in the waste impoundment closure plan. In situations where pumping is impractical because of consistency of biosolids (i.e. sludge), biosolids should be excavated. Estimates should include information regarding how waste is to be removed (i.e. drag line, agitate and pump, etc.).~~

~~xi.~~x. **A statement signed by the applicant/landowner and a technical specialist with the appropriate designation documenting the facility will have adequate storage volume for operation capacity after the closure of the waste impoundment.**

~~xii.~~xi. To close waste impoundments on inactive confined animal operations utilize the Waste Impoundment Closure BMP.

b. Phosphorus Loss Assessment Tool (PLAT) shall be used to assess phosphorous application rates for all planned fields according to NC NRCS Conservation Practice Standard No. 590 "Nutrient Management," April 2024 or any subsequent amendment as described in the CPS – 360 Waste Facility Closure standard.

c. This practice shall not be used to apply waste at a rate exceeding the following maximums:

   i. For sites with a phosphorus loss potential (per PLAT) of low or medium, waste shall be applied in accordance with a nitrogen-based waste application plan.

   ii. For sites with a phosphorus loss potential (per PLAT) of HIGH, waste shall be applied accordance to the phosphorus removal rate of the receiving crop.

   iii. No application of waste is allowed for sites with a phosphorus loss potential (per PLAT) of VERY HIGH.

   iv. Planning shall project the impact of the waste application to heavy metal critical levels based on soil index. Alternative application sites should be selected if projections indicate that metals may approach excessive levels.

   v. In addition, the application shall not exceed the rate specified per acre in the plan nor the total nitrogen requirement of the receiving crop specified in the plan. If additional nitrogen is needed, consideration must be given to limit additional phosphorus application.

d. The District or a Technical Specialist shall prepare the waste impoundment closure plan in accordance with applicable NC NRCS standards and the State of North Carolina, using the latest version of NC Nutrient Management Planning Software program. The plan must address removal of transfer pipes and installation of a spillway, if needed. The planned waste application may not cause excessive zinc or copper soil levels and shall occur within the animal waste application window based on SB1217 guidance document.

e. The plan shall be written according to the closure methodologies agreed upon by the producer and contractor (i.e. agitate and combine all liquid and biosolids, pump to water off then agitate, dredge biosolids, etc.). If it is determined that a different methodology will be used after development of the plan, the plan shall be revised and approved by the division prior to land application of waste. The revised plan approval must be included in the project file.

f. All land application setbacks according to 15A NCAC 02T .1304 and SB1217 guidance document shall be observed in the development of the waste application plan and adhered to during land application of waste.

g. A pre-construction conference including the district technical representative, nutrient management plan developer, contractor and landowner shall be held prior to commencement of closure.

h. Cost Share Program funds will be used for the removal of waste and stabilization of site only (not for fill materials). Removal of foreign materials will be at the landowner's expense and must be removed according to state and federal guidelines.

i. Breaching of any diked or dammed impoundments is optional; however, all disturbed areas will be vegetated to permanent grass, trees, or wildlife plantings according to NRCS 342 Critical Area Planting Standard. NCACSP policies and NRCS Standards will apply to all vegetated areas.

j. Districts may write contracts for waste impoundment closures based on the lowest bid that is technically acceptable. Payments will be based on actual cost shown on receipts. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.

k. Copies of receipts, waste application records, DSWC certification of closure form and DWR closure report form must accompany the Request for Payment.

l. The TRC subcommittee for waste management measures will review lagoon/pond closure contracts that exceed $50,000. The District will be notified of the subcommittee's decision. Closure activities covered by the contract shall not begin until the District has received the approval from the Division.

m. A signed copy of the waste impoundment closure plan must be sent to the appropriate DWR Regional Office and to animal.operations@deq.nc.gov prior to starting the closure process. The permittee shall notify the appropriate DWR Regional Office at least twenty-four (24) hours prior to beginning closure of the waste impoundment.

n. Maintenance period requirements are based on closure method as described below:

    i. When a waste impoundment is closed to meet the NRCS 360 Waste Facility Closure standard per breach or backfill final decommissioning method, a one-year site maintenance period is required to ensure proper practice function and any necessary vegetative establishment to stabilize the site is achieved prior to land or site use conversions.

    ii. When a waste impoundment is closed to meet the NRCS 360 Waste Facility Closure standard criteria per freshwater pond conversion final decommissioning method, then a 10-year maintenance period is required of the resulting pond impoundment. The pond impoundment may receive funding for repair during the maintenance period.

o. In addition to above, for waste impoundments converting to a freshwater pond:

i. The pond must be designed and certified by a professional engineer to meet the specifications listed in NC NRCS 378 Pond Standard.

ii. The landowner is responsible for acquiring any appropriate local, state and federal permits.

iii. A pre-construction conference including the district technical representative, designer, contractor and landowner shall be held prior to commencement of conversion.

iv. Upon completion of the project, copies of the as-built survey should be provided to the Soil and Water Conservation district, landowner and Division of Soil and Water Conservation.

v. An Operation and Maintenance Plan is required.

vi. Livestock shall be excluded from the pond. Ponds without livestock access do not require fencing.

vii. For waste impoundments being converted to a freshwater pond, a Certificate of Completion must accompany the Request for Payment.

~~viii. Eligible pond conversion costs will be based on the approved engineering design within the maximum cost share for the practice listed in the NCACSP average cost list.~~

p. Costs for closing the waste impoundment are based on average cost, not to exceed the maximum cost share for the practice listed in the NCACSP average cost list. Refer to the average cost list for closure and stabilization of breach and freshwater pond conversion component rates. Payment will be based on gallons documented in the waste application record during the closure process.

2. For retrofitted waste impoundments, Cost Share Program funds may be used for removal/disposal of waste and other components necessary to bring the lagoon/waste storage pond up to current NC NRCS Standards. A copy of the waste analysis report and land application records must accompany Requests for Payments (NC-ACSP-3) if land application of waste shall occur to complete retrofit. Funds may also be used to make the required structural upgrades (clay liner, emergency spillway, etc.) and for required compaction test. The removal of trees is correction for a lack of maintenance and is not considered a retrofit.

a. All waste impoundment retrofit designs and completed construction must be certified by a professional engineer.

b. Retrofits shall be designed to meet the appropriate NC NRCS Standards.

c. Any retrofit of a waste impoundment associated with a permitted animal facility, shall submit the retrofit design to Division of Water Resources (DWR) Animal Feeding Operations (AFO) and receive approval prior to start of construction.

d. A Certificate of Completion must accompany the Request for Payment (RFP).

e. Retrofitted waste storage impoundments shall have a 10-year maintenance period.

RETROFIT OF ONGOING ANIMAL OPERATIONS	
Maintenance Period	1 year – Breach/Backfill of Closed Impoundment 10 years- Pond Conversion or Retrofit of Waste Impoundment
BMP Units	EACH
Required Effects	ANIMAL TYPE ANIMAL UNIT ACRES_AFFECTED N and P Waste Managed
JAA	Professional Engineer OR NRCS - ECS - 590 - Nutrient Management NRCS - ENG -360 - Waste Facility Closure NRCS - ENG - 313 - Waste Storage Facility NRCS - ENG - 359 - Waste Treatment Lagoon
NRCS Standards & Reference Materials	NRCS - CPS - 590 - Nutrient Management NRCS - CPS - 360 - Waste Facility Closure NRCS - CPS - 313 - Waste Storage Facility NRCS - CPS - 359 - Waste Treatment Lagoon NC Dam Safety Law (15a NCAC 02k. 0100) Lagoon Closure Steps DSWC Guidelines for Lagoon Closure Plan Development
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads. NC-ACSP-WMP Form ~~Two bids~~ **For Closure of Waste Impoundments:** NC-ACSP-1C Form Waste Storage Capacity Certification Waste Impoundment Specification Questions Form Cooperator Acknowledgement Form Waste Impoundment Closure Plan Approval Letter Waste Impoundment Closure Plan ~~Receipts (for RFP)~~ DWR Closure Form (for RFP) Waste Application records (for RFP) DSWC Certification of Closure Form (for RFP)

	For Conversion to freshwater pond closure also include: Operation and Maintenance Plan Division Engineer Approval Letter Pond Conversion Design Certification of Completion Form (for RFP) **For Retrofit of Waste Impoundments:** Approved Engineered Design of Retrofit Waste Analysis Report (for RFP) if applicable Waste Application Records (for RFP) if applicable Certification of Completion Form (for RFP)
Additional Spot-check Requirements	All waste management systems for operations not permitted by the Division of Water Resources must be spot-checked annually for five years following implementation.

Closure/Retrofit BMP Updates

<u>Discussion and Approval</u>

- Action requested: *Approve the following BMP revisions*
  - *Waste Impoundment Closure*
  - *Retrofit of On-Going Animal Operations*

Average Cost List Updates

Average Cost List Updates

Approach

- Utilize a combined approach to update cost for FY26
    1. Producer Price Index values will be applied to the bulk of components
    2. Receipts and Average Cost Calculations based on retail costs will be used where available

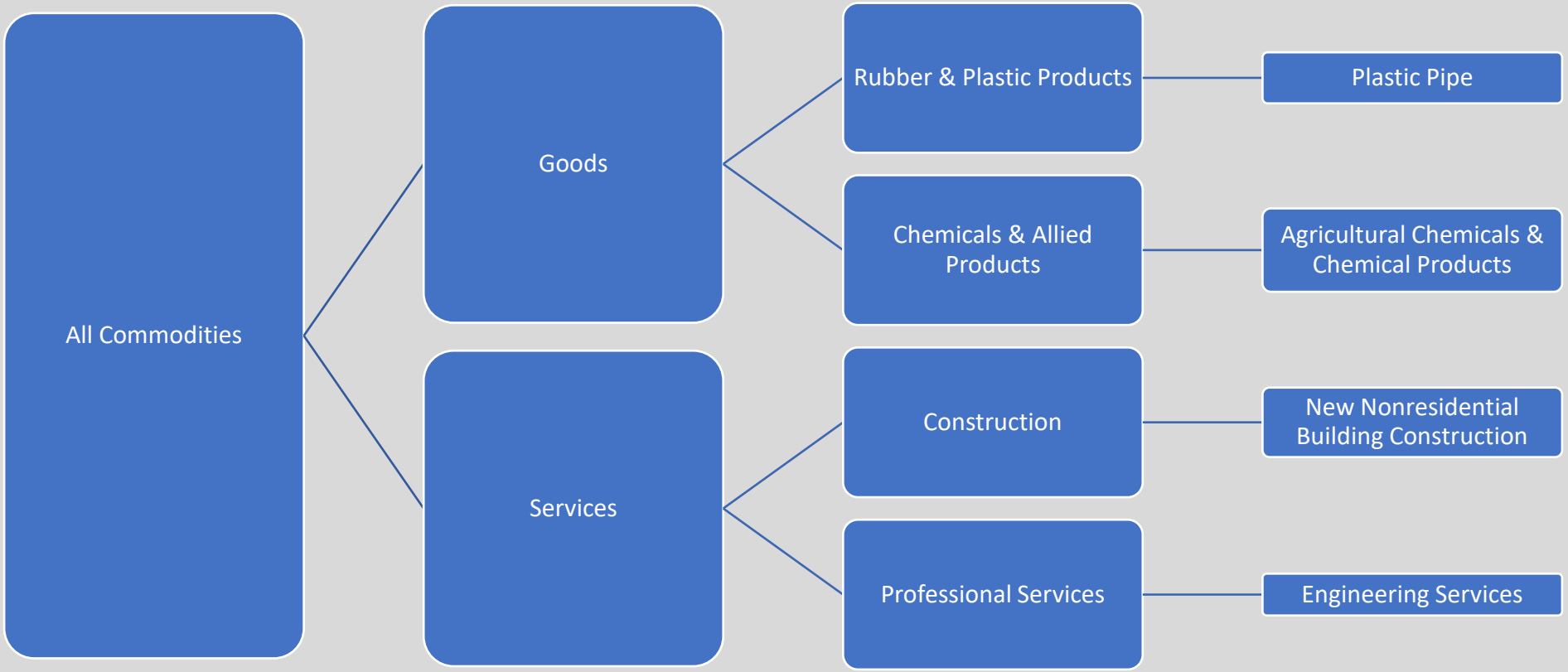
Producer Price Index

- Published monthly by U.S. Bureau of Labor Statistics
- PPI is a family of indexes that measures the average change over time in selling prices received by domestic producers of goods and services.
  - Includes over 16,000 establishments providing approximately 64,000 price quotations per month.
  - Commonly used in adjusting purchase and sales contracts.
  - May foreshadow subsequent price changes for business and consumers.

Source: https://www.bls.gov/ppi/overview.htm

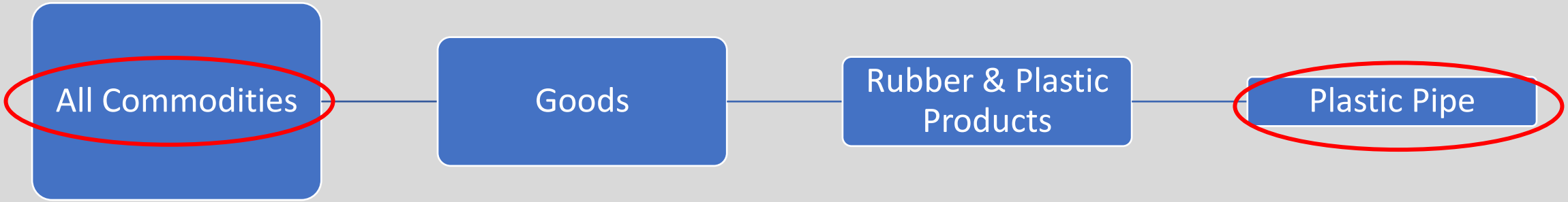
Producer Price Index

- Highest level is All Commodities
- Indexes are broken out into service groupings and individual items

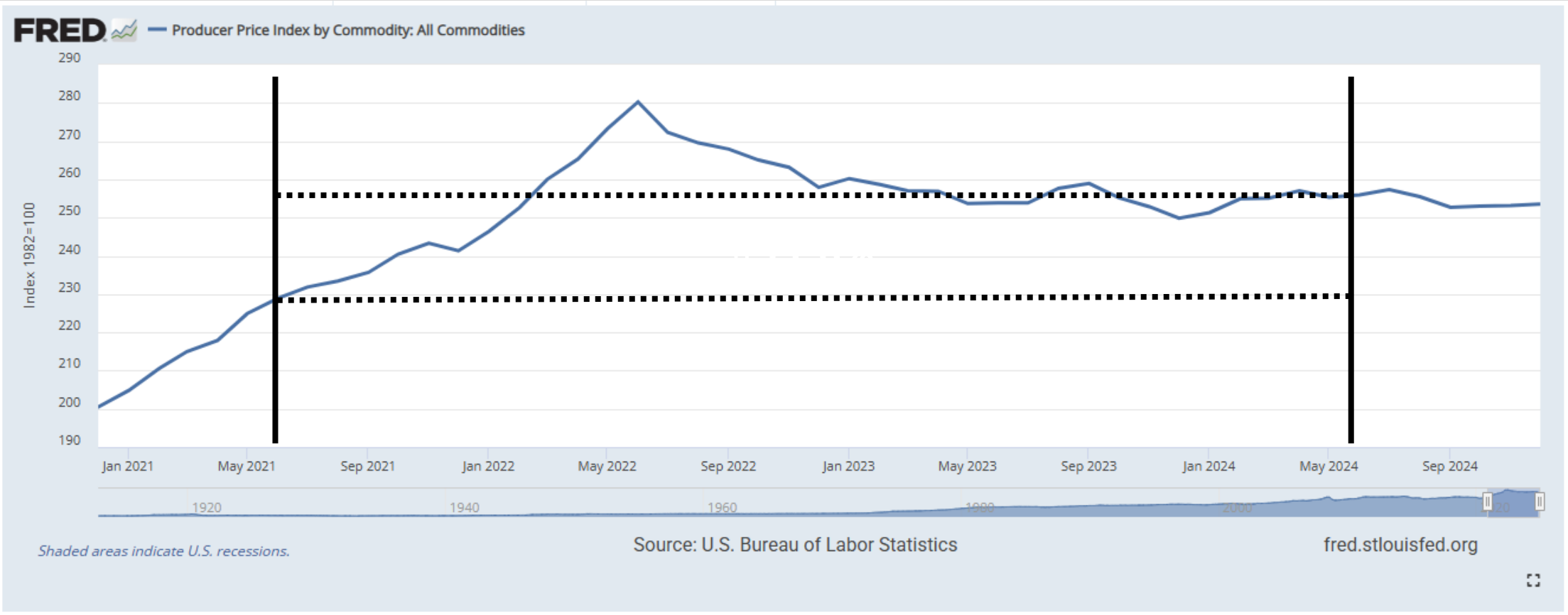


Producer Price Index

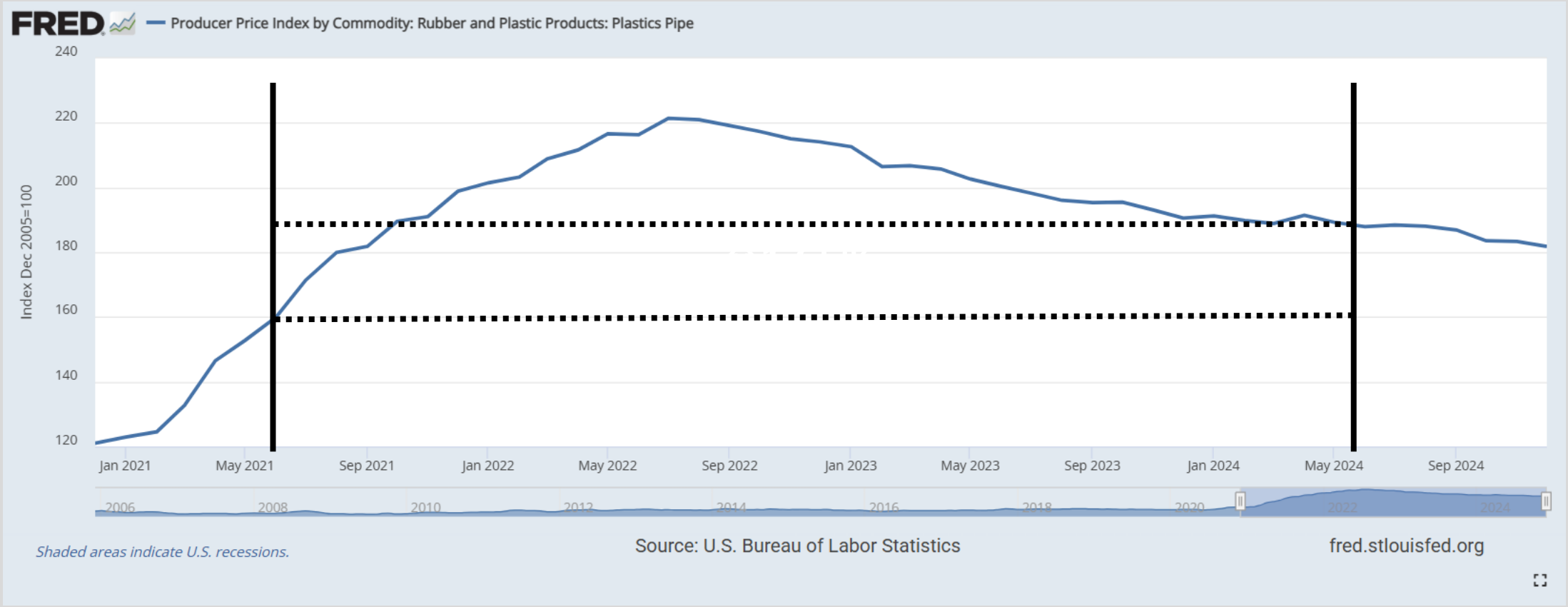
- Calculations are based on the percent increase from June 2021 – June 2024
- When available, individual items are considered
  - Ex: PIPE-Polyvinyl Chloride 1 1/2"or less (does not include excavation)
    - Compare cost increases for All Commodities vs. Plastic Pipe



Producer Price Index – All Commodities



Producer Price Index – Plastic Pipe



Producer Price Index

- All Commodities = 11.6% increase
- Plastic Pipe = 17.5% increase

Component	Unit	Current Cost	All Commodities Index Increase	New Amount - All Commodities	Plastic Pipe Index Increase	New Amount – Plastic Pipe
PIPE-Polyvinyl Chloride 1 1/2"or less (does not include excavation)	Linear Foot	$3.75	$0.44	$4.19	$0.66	$4.41

Actual Cost Items

- Receipts are used for actual cost items when available
  - Receipts received since June 2021 may be included in calculations
- Average cost calculations are compiled when necessary (when PPI and/or receipts are not available)
  - Based on published retail costs

FY2026 ACSP Cost List Draft

- Compiled cost data was shared with district staff at 5 regional meetings in February.
- Districts were provided two cost options for comparison — Overall PPI vs Partial PPI/Retail Average/Actual Cost from Receipts — and asked for comment
  - Received 87 responses
  - Many recommended using the average of the two options
- District input was used to determine the recommended new cost shown in the draft
- Recommendation are presented for >90% of components

FY2026 ACSP Cost List Draft

- Recommendation are presented for >90% of components
- Current cost information is shown in black text
- Recommended cost increase are shown in blue text
- Component modifications or corrections are shown in red
- New cost source information is shown in the far righthand column

➢Remaining cost list items will be added for our next meeting

Member Items

Open Discussion

TRC Meeting Schedule

- May 28, 2025
- June 25, 2025

- 4th Wednesday of the month (except December)
- 1:30 – 3:30 PM