

1 15A NCAC 02T .1310 is amended pursuant to G.S. 150B-21.5(a)(3) and (5) as follows:

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3 **15A NCAC 02T .1310 ANIMAL WASTE RESIDUALS MANAGEMENT**

4 (a) This Rule shall apply to the treatment, storage, transportation, use, and disposal of animal waste residuals to be
5 applied to a lawn, home garden, or public contact use site or sold or given away in a bag or other container for
6 application to the land. This Rule shall not apply to the treatment, storage, transportation, use, or disposal of:

- 7 (1) animal waste residuals applied to agricultural land in accordance with Rule .1303, Rule .1304, Rule
8 1305, or Rule .1307 of this Section or Rule .1403 of this Subchapter;
- 9 (2) up to four cubic yards of animal waste residuals distributed from a facility subject to regulation
10 under Rule .1303 or Rule .1304 of this Section per visit to individuals for personal use, with a
11 maximum of ten cubic yards per year per individual;
- 12 (3) oil, grease, grit, and screenings from wastewater treatment facilities;
- 13 (4) septage from wastewater treatment facilities;
- 14 (5) ash that is regulated in accordance with Section .1200 of this Subchapter;
- 15 (6) residuals that are regulated in accordance with Section .1100 of this Subchapter;
- 16 (7) residuals that are prepared for land application, used, or disposed of in a solid waste management
17 facility permitted by the Division of Waste Management;
- 18 (8) residuals that are disposed of in an incinerator permitted by the Division of Air Quality;
- 19 (9) residuals that are transported out of state for treatment, storage, use, or disposal;
- 20 (10) residuals that meet the definition of a hazardous waste in accordance with 40 CFR 260.10 as adopted
21 by reference in 15A NCAC 13A .0102(b) or that have a concentration of polychlorinated biphenyls
22 equal to or greater than 50 milligrams per kilogram of total solids on a dry weight basis; and
- 23 (11) animal mortality.

24 (b) For new and modified sources of animal waste residuals, the applicant shall submit a permit application in writing
25 to the Division that includes the following:

- 26 (1) site maps depicting the location of the source and demonstrate compliance with siting setbacks
27 applicable to animal waste management systems established in G.S. 106-803 and NRCS standards
28 at the time of construction;
- 29 (2) a complete analysis of the animal waste residuals. The analysis shall include all pollutants identified
30 in Paragraph (c) in this Rule, nutrients and micronutrients, and proof of compliance with the
31 pathogen ~~and vector~~ requirements in ~~Paragraphs (f) and (g)~~ Paragraph (d) of this Rule if applicable;
- 32 (3) a sampling and monitoring plan that describes how the source will comply with Paragraphs (c) and
33 (d) of this Rule, if applicable;
- 34 (4) a marketability statement detailing destinations and approximate amounts of the final product to be
35 distributed; and
- 36 (5) a copy of the label and information sheet that complies with Paragraph (e) of this Rule.

(c) Animal waste residuals shall not be applied to a lawn, home garden, or public contact use site nor shall animal waste residuals be sold or given away in a bag or other container for application to the land if the concentration of any pollutant in that residual exceeds the following concentration for that pollutant on a dry weight basis:

Pollutant	Ceiling Concentration (milligrams per kilogram)
Copper	1,500
Zinc	2,800

(d) Animal waste residuals to be applied to a lawn, home garden, or public contact use site or sold or given away in a bag or other container for application to the land shall meet the pathogen requirements of Rule .1106(a)(2) of this Subchapter.

(e) For animal waste residuals that are sold or given away in a bag or other container for application to the land, either a label shall be affixed to the bag or other container, or an information sheet shall be provided to the person who receives the animal waste residuals. The label and information sheet shall contain the following information:

- (1) the name and address of the person who prepared the animal waste residuals;
- (2) a statement that land application of the animal waste residuals is prohibited except in accordance with the instructions on the label and information sheet;
- (3) a statement that animal waste residuals must be applied at agronomic rates and recommended rates for intended uses;
- (4) a statement that the animal waste residuals may not be applied to any site that is flooded, frozen, or snow covered;
- (5) a statement that adequate procedures must be provided to prevent surface runoff from carrying any disposed or stored animal waste residuals into any surface waters;
- (6) a statement that identifies that this material must be prevented from entering any public or private water supply source, including wells, stream, lake, or rivers;
- (7) the pollutant concentration for pollutants listed in Paragraph (c) of this Rule; and
- (8) the nitrogen and phosphorous concentration.

(f) Monitoring and Reporting.

- (1) Animal waste residuals subject to this Rule shall be monitored for pollutants listed in Paragraph (c) of this Rule and for pathogens described in Paragraph (d) of this Rule, as applicable, at the frequency stipulated for each residuals source facility:

Metric Tons per 365 day period (Dry Weight Basis)	Monitoring Frequency
Greater than zero but less than 290	Once per year
Equal to or greater than 290 but less than 1,500	Once per quarter (four times per year)
Equal to or greater than 1,500 but less than 15,000	Once per 60 days (six times per year)
Equal to or greater than 15,000	Once per month (12 times per year)

1 (2) A report of all monitoring and reporting requirements specified in the permit shall be submitted to
2 the Division by the permittee annually, on or before March 1st of each calendar year.

3 (3) All records required by this Paragraph shall be retained for five years.
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5 *History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A;*

6 *Eff. September 1, ~~2018~~2018;*

7 *Amended Eff. March 1, 2019.*
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