

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1080

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/9/95

Third Edition Engrossed 5/10/95

House Committee Substitute Favorable 6/22/95

House Committee Substitute #2 Favorable 6/28/95

Short Title: Siting of Swine Operations.

(Public)

Sponsors:

Referred to:

May 4, 1995

A BILL TO BE ENTITLED

AN ACT TO PLACE CERTAIN RESTRICTIONS ON THE SITING OF SWINE
HOUSES AND LAGOONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 106 of the General Statutes is amended by adding a new
Article to read:

"ARTICLE 67.

"SWINE FARMS.

"§ 106-800. Title.

This Article shall be known as the 'Swine Farm Siting Act'.

"§ 106-801. Purpose.

The General Assembly finds that the siting of swine houses and lagoons for larger
farms can assist in the development of pork production to contribute to the economic
development of the State while minimizing any interference with the use and enjoyment
of adjoining property.

"§ 106-802. Definitions.

1 As used in this Article, unless the context clearly requires otherwise:

- 2 (1) 'Lagoon' means a confined body of water to hold animal byproducts
3 including bodily waste from animals or a mixture of waste with feed,
4 bedding, litter or other agricultural materials without discharge to
5 surface waters of the State except in the event of a storm more severe
6 than the 25-year, 24-hour storm.
- 7 (2) 'New swine farm' means any swine farm whose operations were sited on
8 or after October 1, 1995. Renovation and reconstruction of existing
9 farms does not constitute a 'new swine farm'.
- 10 (3) 'Occupied residence' means a dwelling actually inhabited by a person on
11 a continuous basis as exemplified by a person living in his home.
- 12 (4) 'Siting' or 'site evaluation' means an investigation to determine if a site
13 meets all federal and State standards as evidenced by the Waste
14 Management Facility Site Evaluation Report on file with the Natural
15 Resources Conservation Service or a comparable report certified by a
16 professional engineer or a comparable report certified by a technical
17 specialist approved by the North Carolina Soil and Water Conservation
18 Commission and either of which report provides the basis for
19 certification by the Division of Environmental Management pursuant to
20 the rules appearing in the North Carolina Administrative Code
21 governing waste not discharged to surface waters.
- 22 (5) 'Swine farm' means a tract of land devoted to raising 250 or more
23 animal units of the porcine species.
- 24 (6) 'Swine house' means a building that shelters porcine animals on a
25 continuous basis.

26 **"§ 106-803. Requirements for siting swine houses and lagoons.**

27 (a) A swine house or a lagoon that is a component of a swine farm shall be located
28 at least 1,500 feet from any occupied residence; at least 2,500 feet from any school,
29 hospital, or church; and at least 100 feet from any property boundary.

30 (b) A swine house or a lagoon that is a component of a swine farm may be sited
31 closer to a residence, school, hospital, church, or a property boundary than is allowed
32 under subsection (a) of this section if written permission is given by the owner of the
33 property and recorded with the Register of Deeds."

34 Sec. 2. This act becomes effective October 1, 1995, and applies to any new
35 swine farm for which a site evaluation is conducted on or after that date.