

**15A NCAC 02D .1803 BEST MANAGEMENT PLANS FOR ANIMAL OPERATIONS**

(a) Contents of a best management plan. The best management plan for animal operations shall:

- (1) identify the name, location, and owner of the animal operation;
- (2) identify the name, title, address, and telephone number of the person filing the plan;
- (3) identify the sources of odor within the animal operation;
- (4) describe how odor will be controlled from:
  - (A) the animal houses;
  - (B) the animal wastewater lagoon, if used;
  - (C) the animal wastewater application lands, if used;
  - (D) waste conveyances and temporary accumulation points; and
  - (E) other possible sources of odor within the animal operation;
- (5) contain a diagram showing all structures and lagoons at the animal operation, forced air directions, and approximate distances to structures or groups of structures within 3000 feet of the property line of the animal operation; a recent or updated aerial photograph may be submitted in place of a diagram provided the items required under this Subparagraph of this Rule are shown;
- (6) for existing animal operations, contain a schedule not to exceed six months by which the plan will be implemented (a new animal operation is to have and be in compliance with its best management plan when it begins operation); for an amended best management plan, the implementation schedule shall not exceed six months;
- (7) describe how the plan will be implemented, including training of personnel;
- (8) describe inspection and maintenance procedures; and
- (9) describe methods of monitoring and recordkeeping to verify compliance with the plan.

(b) The Division shall review all best management plan submittals within 30 days of receipt of the submittal to determine if the submittal is complete or incomplete for processing purposes. To be complete, the submittal shall contain all the elements listed in Paragraph (a) of this Rule. The Division shall notify the person submitting the plan by letter stating that:

- (1) the submittal is complete,
- (2) the submittal is incomplete and identifying the missing elements and a date by which the missing elements need to be submitted to the Division, or
- (3) the best management plan is incomplete and requesting that the person rewrite and resubmit the plan.

(c) Approval of the best management plan. The Director shall approve the plan if he finds that:

- (1) the plan contains all the required elements in Paragraph (a) of this Rule;
- (2) the proposed schedule contained in the plan will reduce objectionable odors in a timely manner;
- (3) the methods used to control objectionable odors are likely to prevent objectionable odors beyond the property lines of the animal operation (the Director shall not consider impacts of objectionable odors on neighboring property if the owner of the neighboring property agrees in writing that he does not object to objectionable odors on his property and this written statement is included with the proposed best management plan; this agreement becomes void if the neighboring property changes ownership. If the neighboring property changes ownership, the plan shall be revised, if necessary, to prevent objectionable odors on this property unless the new owner agrees in writing that he does not object to objectionable odors on his property); and
- (4) the described compliance verification methods are sufficient to verify compliance with the plan.

Within 90 days after receipt of a plan, the Director shall determine whether the proposed plan meets the requirements of this Paragraph of this Rule. If the Director finds that the proposed plan does not meet the requirements of this Paragraph, he shall notify the owner or operator of the animal operation in writing of the deficiencies in the proposed plan. The owner or operator shall have 30 days after receiving written notification from the Director to correct the deficiencies. If the Director finds that the proposed plan is acceptable, he shall notify the owner or operator in writing that the proposed plan has been approved.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215-215.107(a)(11); Temporary Adoption Eff. April 27, 1999; March 1, 1999; Eff. July 1, 2000.*