

Major North Carolina Laws Related to Hog Factory Farms

1995 - SENATE BILL 1080 - THE SWINE FARM SITING ACT

Effective October 1, 1995, this law imposed mandatory statewide setback requirements (unless waived in writing by neighbors) on all new or expanded factory hog farms, raising 250 or more hogs, as follows:

- **Hog houses and waste lagoons:** at least 1,500 feet from any occupied residence; 2,500 feet from any school, hospital, or church; 100 feet from any property boundary.
- **Waste application (sprayfields):** at least 50 feet from any residential property boundary; 50 feet from any perennial stream or river, other than an irrigation ditch or canal.

Senate Bill 1080 is codified at Chapter 106, Article 67 of the North Carolina General Statutes.

For full text of the legislation [click here](#).

1996 - SENATE BILL 1217 - AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE BLUE RIBBON STUDY COMMISSION ON AGRICULTURAL WASTE

This law imposed several new requirements relating to permitting, oversight, siting, public notice, and enforcement for factory hog, poultry and other livestock operations.

- **General state nondischarge permits:** The law directed the state to develop a system of general "nondischarge permits" for animal operations above certain size thresholds. Under the law, factory hog farms with 250 or more hogs are required to obtain a general permit--starting in 1997, the state has five years to phase in the general permits for all affected hog and other livestock operations. The general permits are not issued under the state's EPA-approved Clean Water Act NPDES program, but under the state's nondischarge permitting program. (See T15A N.C.A.C.: 02H.0217.) Permits include a requirement to obtain an animal waste management plan, based upon non-regulatory technical standards adopted by the USDA Natural Resources Conservation Service. (See Chapter 143, Article 21 of the North Carolina General Statutes.)
- **Inspections:** The law requires that each regulated livestock operation be inspected two times each year--one "operations review" by the non-regulatory Division of Soil and Water Conservation and one "inspection" by the regulatory Division of Water Quality. (See Chapter 143, Article 21 of the North Carolina General Statutes.)
- **Additional Setbacks:** The law extended the setback applicable to new or expanded hog house and lagoons, from 100 feet to at least 500 feet from any property boundary. The law did not modify other setbacks. (See Chapter 106, Article 67 of the North Carolina General Statutes.)
- **Enforcement:** The law increased the amount the state can fine factory livestock operations for a first time offense of willfully discharging waste into state waters, from \$5,000 to \$10,000. (See Chapter 143, Article 21 of the North Carolina General Statutes.)
- **Public Notice:** The law requires that any person who intends to build a new hog farm must provide written notice of such intent to adjacent landowners and any property owners who own property across a public road, street or highway from the proposed hog farm. The law does not provide for any opportunity for the neighbors

or other citizens to comment or otherwise influence the decision to permit the proposed factory hog farm. (See Chapter 106, Article 67 of the North Carolina General Statutes.)

For full text of the legislation [click here](#).

1997 - HOUSE BILL 515 - THE CLEAN WATER RESPONSIBILITY AND ENVIRONMENTALLY SOUND POLICY ACT

This law imposed a partial moratorium on new and expanded factory hog farms, directed the state to develop a plan to phase out anaerobic waste lagoons and sprayfields, and imposed additional requirements.

- **Moratorium:** The law, enacted in August of 1997, imposed a moratorium on the construction of new and expanded hog operations with 250 or more hogs until March 1, 1999. The purpose of the moratorium was to give counties time to adopt zoning ordinances and to allow research on environmental impacts and alternative waste technologies to be completed. This moratorium included several exceptions, including an exception for construction of a hog operation using an "innovative animal waste management system that does not employ an anaerobic lagoon."
- **Zoning:** The law restored partial zoning authority to counties. Authorizes counties to adopt zoning regulations for hog farms with a design capacity of at least 600,000 steady state live weight (or approximately 4,500 hogs). (See Chapter 153A, Article 18 of the North Carolina General Statutes.)
- **Phase-out Plan:** The law directed the state Department of Agriculture to develop, by May 1, 1998, a "plan to phase out the use of anaerobic lagoons and sprayfields as primary methods of disposing of animal waste at swine farms."
- **Additional Setbacks for Hog Houses and Lagoons:** The law required setbacks from hog houses and lagoons to be at least 2,500 feet from any outdoor recreational facility, national park, state park, historic property, or child care center; at least 500 feet from any well supplying water to a public water system; at least 500 feet from any other well supplying water for human consumption. (See Chapter 106, Article 67 of the North Carolina General Statutes.)
- **Additional Setbacks for Application of Waste (Sprayfields):** increased the setback from 50 feet to at least 75 feet from any residential property line and from any perennial stream or river. (See Chapter 106, Article 67 of the North Carolina General Statutes.)

For full text of the legislation [click here](#).

1998 - HOUSE BILL 1480 - AN ACT TO PROVIDE FOR THE REGISTRATION OF SWINE FARMS ASSOCIATED WITH SWINE OPERATION INTEGRATORS AND TO EXTEND THE MORATORIUM

This law extended the moratorium on new and expanded factory hog farms by six months and required contract hog growers to provide information to the state regarding the swine operation integrator with whom that farmer has a relationship.

- **Moratorium Extension:** The law extended the moratorium until September 1, 1999. The law revised the exception for innovative waste management systems to include a number of mandatory performance standards by which to measure those systems.

- **Swine Integrator Registration:** The law requires contract growers to provide information to the state as to which integrator the grower is contracted with. The law requires the state to notify integrators of any violations at contract farms.

For full text of the legislation [click here](#).