

State of North Carolina
Department of Environment
and Natural Resources

James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary
C.D. Malone, Vice Chairman

D E N R

Memorandum

To: Technical Assistance and Certification Unit
Water Pollution Control Systems Operator Certification Commission
Water Quality Regional Office Supervisors
Kim Colson
Jeff Poupart
Dennis Ramsey
Carroll Pierce
David Crouse
Karl Shaffer

From: Bo McMinn

Subject: Classification of Animal Waste Management Systems

Date: July 21, 1998

The applicability of G.S. §90A-47 to animal operations that do not involve the management of liquid residuals has been debated by affected individuals for several months. The law requires owners to designate an operator in responsible charge for each animal waste management system. Of specific uncertainty was whether or not the owner of an animal operation that has no liquid residuals is required to designate an operator in responsible charge. The Attorney General's office has advised that "animal operations not producing liquid residuals ... are not required to designate a certified operator...." In addition, The Attorney General's office has advised that "systems utilizing only nonstructural practices (for the management of animal waste) are exempt from the requirement to have a certified operator".

Please disseminate this information to those individuals who you work with that may be affected by this decision. If you have any questions on this issue, or would like a copy of the Attorney General's advisory memorandum, please feel free to contact me at (919) 733-0026, ext 302.

Cc: Coleen Sullins
K. Tommy Stevens