

## **02 NCAC 59G .0104 APPROVAL OF WATER QUALITY TECHNICAL SPECIALISTS**

(a) Technical specialists shall be designated in one or more of the following categories:

- (1) The Structural Animal Waste category provides for the approval of the design and installation of lagoons, storage ponds, dry stacks, and other similar structures. This category also includes the design and installation of a spillway in conjunction with the decommissioning of a lagoon or storage pond.
- (2) The Waste Utilization Plan/Nutrient Management category provides for:
  - (A) Development of land application plans, including crop acreages available to meet nutrient and hydraulic loading rates, application windows, determination of animal waste nutrient amounts, and other similar determinations such as evaluation of fields for phosphorous loss and field buffers;
  - (B) Confirmation of storage volumes, exterior lots, and cropping systems;
  - (C) Development and establishment of buffers and verification of land application setbacks;
  - (D) Certification of the land application component of a USDA Comprehensive Nutrient Management Plan;
  - (E) Authority to approve nutrient management plans to comply with Rule .0105 of this Subchapter; and
  - (F) Decommissioning of a lagoon or storage structure other than the design or installation of a spillway.
- (3) The Runoff Control category provides for the approval of the design and installation of erosion control BMPs.
- (4) The Irrigation Equipment category provides for the approval of the design and installation of irrigation systems to include pipe size, pump horsepower, nozzle size, and system layout including required land application setbacks.
- (5) The Wettable Acres category provides for the determination of irrigated acreage in accordance with a Certified Animal Waste Management Plan.
- (6) The Inorganic Fertilizer/Nutrient Management category provides for approval of river basin nutrient management plans in compliance with Rule .0105 of this Subchapter for inorganic fertilizer only.
- (7) The Water Management category provides for the approval of the design and installation of subsurface water management systems.

(b) The Commission shall designate the following individuals who meet the criteria and training requirements of this Rule as technical specialists:

- (1) Individuals to whom the NRCS has assigned approval authority to conduct the activities specified in a technical specialist category described in Paragraph (a) of this Rule;
- (2) Professional engineers subject to the "The NC Engineering and Land Surveying Act" for the categories of Structural Animal Waste, Waste Utilization Plan/Nutrient Management, Runoff Control, Irrigation Equipment and Water Management; or
- (3) Individuals not included in Subparagraph (b)(1) and (b)(2) who meet the criteria in Paragraph (c) of this Rule.

(c) Technical Specialists other than those described in Subparagraphs (b)(1) and (b)(2) of this Rule shall meet the following criteria and training requirements:

- (1) Criteria for each technical specialist designation category shall be the following:
  - (A) Irrigation Equipment category requires designation as an irrigation designer by the National Irrigation Association or three years experience in the design of irrigation systems for waste application.
  - (B) Wettable Acres category requires holding either the Waste Utilization Plan/Nutrient Management or Irrigation Equipment designation.
  - (C) Waste Utilization Plan/Nutrient Management and the Inorganic Fertilizer/Nutrient Management categories require either three years experience in nutrient management, a four year degree in agronomy or related field, or a combination of this education and experience totaling four years.
  - (D) Structural Animal Waste, Runoff Control, and Water Management categories are reserved only for those individuals who meet the requirements of Subparagraphs (b)(1) or (b)(2) of this Rule.
- (2) Training requirements shall be the following:

- (A) For all categories except Inorganic Fertilizer/Nutrient Management category, NC Rules and Regulations Governing Animal Waste Management Systems taught by the Division or Department of Environmental Quality and advertised through the Division website.
  - (B) For the category of Waste Utilization Plan/Nutrient Management and Inorganic Fertilizer/Nutrient Management, North Carolina Nutrient Management Course taught by the Division, NCCES, or the NRCS and the North Carolina Nutrient Management Software Course taught by the Division or the NCCES, and advertised through the Division website.
  - (C) For the category of Wettable Acres, the North Carolina Wettable Acres Course taught by the NCCES and advertised through the Division website.
- (d) All individuals requesting technical specialist designation shall provide to the Division an "Application for Designation for Technical Specialist" and evidence of expertise, skills, and training required for each designation category. A list of three references who can attest to the applicant's technical competence shall accompany the application.
- (e) All individuals requesting technical specialist designation shall be determined by the Commission to meet the requirements of this Rule in order to be approved by the Commission for designation. Applicants shall be notified in writing of the Commission's actions.
- (f) Professional Engineers included in Subparagraph (b)(2) of this Rule who are licensed after April 1, 2003, shall attend the North Carolina Nutrient Management Course, the North Carolina Nutrient Management Software Course, and the NC Rules and Regulations Governing Animal Waste Management Systems in order to use the Waste Utilization Plan/Nutrient Management designation.
- (g) A technical specialist shall perform services only in areas of the technical specialist's designated category and technical competence.
- (h) The Division shall maintain a database and make available the names of designated technical specialists and their designated categories on the Division's website.
- (i) Technical Specialists shall complete six hours of training approved by the Commission during each three-year period following initial designation or each three-year period following the effective date of this Rule.
- (j) Upon a finding by the Commission that the work of a technical specialist designated pursuant to this Rule fails to comply with the requirements of 15A NCAC 02T .1300, this Subchapter, or the NRCS Technical Guide, or that a technical specialist has submitted false data in the course of his or her work, the Commission may withdraw its designation of the technical specialist in any or all categories, taking into consideration the severity of non-compliance, the extent and significance of any false data submitted, and the specialist's history of non-compliance. In addition, technical specialist designation shall be rescinded by the Commission for failure to complete the approved additional training by the end of each three-year period.
- (k) When the Commission makes findings regarding the work of a technical specialist designated under Subparagraph (b)(1) of this Rule, the Commission shall forward these findings to the respective agency with the request that the agency provide documentation that their technical specialist has received training to correct deficiencies in the area of concern to retain a designation. If the agency fails to provide such documentation, the Commission may withdraw its designation of the technical specialist for any or all categories.

*History Note: Authority G.S. 106-840; 139-4;  
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