



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH

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GOVERNOR

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May 29, 2019

POSITION STATEMENT: Wastewater Permit Exemption for Small-Scale Processing of Agricultural Products

PURSUANT TO: N.C.G.S. 143-215.1; 15A NCAC 18A .1900; 15A NCAC 18A .2600

SOURCE: Shane Smith, Head, Food Protection and Facilities Branch and Nancy Deal, Head, On-site Water Protection Branch

QUESTION/ISSUE: What procedures apply when an owner claims an agricultural products process wastewater exemption pursuant to N.C.G.S. 143-215.1(a5) in conjunction with obtaining a permit to operate a DHHS-regulated facility?

DISCUSSION AND INTERPRETATION:

In accordance with 130A- 335(b)(1) and 143-215.1(a4)(1), wastewater systems designed to discharge effluent to the land surface are governed by and implemented through the Department of Environmental Quality, Division of Water Resources (DWR). G.S. 143-215.1(a5) states that a permit shall not be required for certain agricultural operations that generate and dispose of less than or equal to 1,000 gallons per day of process wastewater by land application. The exemption only applies to facilities where all agricultural products are grown or raised on the site. Examples of such operations include meat slaughtering, meat processing, vegetable washing, cheese making and wine production, among others in which products grown or raised on the property are also processed on the property by the owner. The exemption applies only to the wastewater generated during processing (washing products, utensils, containers and surfaces). The exemption does not apply to the domestic wastewater generated by handwash sinks located on the site but not used for processing of agricultural products, and toilets which is required to be directed to an approved system.

Because facilities which claim this exemption may also be subject to permitting pursuant to 15A NCAC 18A .2600, local delegated agents have inquired as to the nature of required documentation and applicable procedures during the permitting process. Specific cases may require additional discussion and interpretation but the information below applies to this process in general.

During .2600 permit issuance, the LHD shall:

1. Receive written notice from the owner that they are claiming the exemption with specific reference to G.S. 143-215.1(a5), including:

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TEL 919-707-5854 • FAX 919-845-3972
LOCATION: 5605 SIX FORKS RD • RALEIGH, NC 27609
MAILING ADDRESS: 1632 MAIL SERVICE CENTER • RALEIGH, NC 27699-1632
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- a. a list of agricultural products that will be processed;
 - b. the manner of processing them, and;
 - c. a description of the wastewater management system they will implement, including its location and proximity to the facility.
2. Verify that an approved wastewater system exists or can be permitted for the design daily flow of all domestic wastewater, and for any process wastewater proposed to be disposed of in a subsurface system. *(Note that any subsurface dispersal of process wastewater requires approval by the Department prior to LHD issuance of a construction authorization {CA}.)*
 3. Clearly indicate on the permit for the facility that its issuance is based upon the Agricultural Exemption in G.S. 143-215.1(a5).

Drainage system connections and any grease traps/tanks are governed by NC Plumbing Code, and disposal is governed by NC Solid Waste Management Laws and Rules. There are no provisions for LHD permitting unless permitted in conjunction with a subsurface wastewater system. Requests from owners for guidance in developing an “exempt” wastewater management system should be referred to the local Soil and Water Conservation District Office or to a private consultant with experience in design of surface drip and spray irrigation systems. Also refer to guidance on assuring compliance of exempt systems using these methods from the Division of Water Resources (DWR) of the Department of Environmental Quality (DEQ).

Violations of provisions of N.C.G.S. 143-215.1(a5) revealed during subsequent LHD inspections of the permitted establishment should be referred to the applicable DWR Regional Office.

Please contact your Environmental Health Regional Specialist, Regional Soil Scientist, or the DWR Regional office (as appropriate) if you have any questions.

The referenced statutory language is included below.

§ 143-215.1. Control of sources of water pollution; permits required.

- (a5) For purposes of this subsection, "agricultural products" means horticultural, viticultural, forestry, dairy, livestock, poultry, bee, and any farm products. Notwithstanding subsection (a) of this section, a permit shall not be required for a wastewater management system for the treatment and disposal of wastewater produced from activities related to the processing of agricultural products if all of the following conditions are met:
- (1) The activities related to the processing of the agricultural products are carried out by the owner of the agricultural products.
 - (2) The activities related to the processing of the agricultural products produce no more than 1,000 gallons of wastewater per day.
 - (3) The wastewater is not generated by an animal waste management system as defined in G.S. 143-215.10B.
 - (4) The wastewater is disposed of by land application.
 - (5) No wastewater is discharged to surface waters.
 - (6) The disposal of the wastewater does not result in any violation of surface water or groundwater standards.

REFERENCES:

N.C.G.S. 143-215.1(a5)
 Rules Governing Sewage Treatment and Disposal Systems (15A NCAC 18A .1900)
 North Carolina Food Code Manual
 Rules Governing the Food Protection and Sanitation of Food Establishments (15A NCAC 18A .2600) North Carolina

NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own but are intended to promote uniform interpretation and enforcement of the underlying law or rule.