

ARTICLE 16

INTENSIVE SWINE FARMS

SECTION 16.1 ADMINISTRATION

16.1.1 Conflict with Other Laws and Regulations

The provisions of any Federal or State law or regulation establishing standards affording greater protection to the public health, safety, and general welfare, of the surface and ground water resources of the State shall prevail within the jurisdiction of Moore County and shall prevail over the standards in this Article.

16.1.2 Permit Required

- 16.1.201 No person shall initiate the construction/expansion or operation of an Intensive Swine Operation in Moore County without having a Conditional Use Permit as described in §3.9 (Conditional Use Permit). Intensive Swine Operations owned by the same operator on contiguous parcels of property are considered to be one operation within the context of this Ordinance and the provisions of this Ordinance shall be so applied. All existing operations that meet State specifications will be deemed permitted by the Moore County Planning Department.
- 16.1.202 Existing operations which have been certified by the State are not required to obtain a permit under this the State are not required to obtain a permit under this Ordinance. These operations are listed in Appendix C, Animal Operations. However, such existing operations must comply with the Closure Provisions outlined in this Article.
- 16.1.203 The Conditional Use Permit shall expire if construction has not begun within six (6) months of its issuance date or if construction or expansion has not been completed within twelve (12) months of the permit's issuance date, unless extended by the Ordinance Administrator for good cause shown.

16.1.3 Documentation Required

In addition to the procedures outlined in §3.9 (Conditional Use Permits) new or expanding swine farm applicants must supply the following completed documents (on file with the State) as part of the application for a Conditional Use Permit:

- 16.1.301 Individual Non-discharge Permit for the animal waste management system or Certificate of Coverage for the general permit for the animal waste management system, as appropriate;
- 16.1.302 Animal Waste Management Plan;

- 16.1.303 Waste Management Facility Site Evaluation Report or a comparable report certified by a professional engineer or technical specialist approved by the N.C. Soil and Water Conservation Commission; and
- 16.1.304 Animal Waste Management Plan Certification and Technical Specialist Certification (Certification of Design) showing that the design of the animal waste management system complies with all State and Federal requirements. In addition, the applicant must demonstrate to the Health Department, through appropriate documentation, that the design of the animal waste management system and the animal waste management plan will meet all other applicable requirements of these rules.

16.1.4 Notifications

In addition to the requirements outlined for notification of adjacent property owners outlined in §3.2.4 (Public Notice) the Planning Department shall notify by certified mail, all owners of property within a quarter-mile radius of any proposed or existing confinement buildings or lagoons.

16.1.5 Transfer of Ownership

A conditional use permit is not required if the ownership of title of the land on which a swine farm is located is transferred unless the new owner proposes to expand the operation.

16.1.6 Facilitation and Compliance

- 16.1.601 To facilitate the administration of this Ordinance, copies of this Article shall be forwarded to the Division of Water Quality, the Soil & Water Conservation District, the Moore County Health Department, and the Cooperative Extension Service. Cooperation among administrative, monitoring and regulatory agencies and the Planning Department shall be promoted.
- 16.1.602 In addition, within thirty days after the effective date of this Ordinance, the Ordinance Administrator shall send a copy of this Article by certified mail to each owner of an existing swine farm in Moore County and to each owner in the County of an expanding or new swine farm known to the Ordinance Administrator at the time of the effective date of this Ordinance.

16.1.7 No Implied Guarantee

These rules or adherence to these rules shall not be taken as a guarantee that the health of the public or the ground and surface waters will be protected.

SECTION 16.2 DEVELOPMENT STANDARDS

16.2.1 Setbacks

- 16.2.101 Confinement buildings and lagoons of new or expanding swine farms shall be located a minimum distance of at least 2,500 feet from any existing residence that is either occupied or listed for rent or sale, nursing home, child care center, office building, commercial business, industry, institutional building, or place of public assembly as defined in G.S. 130A-334(7). This setback shall be increased in direct proportion to increases above 600,000 steady state live weight (SSLW) not to exceed 7,500 feet.
- 16.2.102 Confinement buildings and lagoons of new or expanding swine farms shall be located a minimum distance of at least two (2) miles from any golf course.
- 16.2.103 Confinement buildings and lagoons of new or expanding swine farms shall be located a minimum distance of at least 500 feet from any property boundary. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 1,500 feet.
- 16.2.104 Confinement buildings and lagoons of new or expanding swine farms shall be located a minimum distance of at least 500 feet from any well supplying water to a public water system, as defined in NCGS 130A-313. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 1,500 feet.
- 16.2.105 Confinement buildings and lagoons of new or expanding swine farms shall be located a minimum distance of at least 500 feet from any well that supplies water for human consumption. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 1,500 feet.
- 16.2.106 No component of a liquid animal waste management system for which a permit is required under Part 1 or 1A of Article 21 of Chapter 143 of the General Statutes shall be constructed on land that is located within a 100-year flood plain.
- 16.2.107 A confinement facility or lagoon that is a component of a swine farm may be located closer to a residence or a property boundary than is allowed if written permission is given by the owner of the property, approved by the Planning Board during their review process, and recorded with the Register of Deeds.
- 16.2.108 Setback distance requirements of this Ordinance shall not be required with respect to residences or other structures which are built or established after a new or expanded swine farm has been approved according to this Ordinance.

16.2.2 Land Application Buffers

- 16.2.201 The outer perimeter of the land area onto which waste is applied from a lagoon that is a component of a swine farm shall be at least 75 feet from any boundary of property on which an occupied residence is located and from any perennial stream or river, other than an irrigation ditch.

- 16.2.202 This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 225 feet.

16.2.3 Floodplain

All new or expanding swine farms shall be in compliance with **Article 12** (Flood Damage Prevention).

16.2.4 Well Testing

- 16.2.401 All swine farms permitted under this Ordinance shall, within three months after receiving a Conditional Use Permit, provide baseline data from at least one monitoring well located within the swine farm boundaries. The Moore County Health Department shall determine if data from additional monitoring wells is necessary.
- 16.2.402 All properly constructed and operating wells situated on the property of a swine farm having a Conditional Use Permit must be tested for bacteria and nitrates two times per year (at six-month intervals) at the operator's expense. The well sample will be collected by Moore County Health Department Environmental Health Specialists, and tested by a State certified lab utilizing an appropriate chain of custody. Swine farm wells that are required to be tested at least twice annually by other law, regulation or contract are deemed to have met this requirement once copies of the results are made available to the Moore County Health Department.
- 16.2.403 Wells existing on parcels of land contiguous to swine farm property at the time of initial permitting under this Ordinance shall be tested at County expense for bacteria and nitrates prior to the initial operation of a new swine farm (to obtain baseline data) and two times per year thereafter for all operating swine farms.
- 16.2.404 In cases where well testing results identify ground water that does not meet State standards, the Moore County Health Department will notify the Ground Water Section of the Division of Water Quality, the operator of the swine farm, and any affected property owner for further investigation and remedial action.

16.2.5 Monitoring

- 16.2.501 Pursuant to NCGS [130A-17](#), Moore County Health Department Environmental Health Specialists shall, with notice and display of appropriate credentials, have access to the property where a swine farm exists to conduct well testing and assure compliance with these rules.
- 16.2.502 Any access to the property for these purposes shall not be unreasonably withheld by the operator.

16.2.6 Emergency Action Plan

- 16.2.601 The owner/operator of an Intensive Swine Operation shall post at the entry to the Intensive Swine Operation property, and on the door of the most prominent confinement building the emergency contact names and telephone numbers of the following:
- Owner,
 - Operator,
 - Alternative responsible person,
 - Division of Water Quality Emergency
 - Moore County Health Department.
- 16.2.602 The posting shall be in a manner such that it remains readable and protected from the elements. Copies of the Emergency Contacts' names and telephone numbers shall be forwarded to Division of Water Quality and the Moore County Planning Department. A plan for Moore County services and an individual producer's emergency plan are located in **Appendix D** (Intensive Swine Farm Emergency Plan)

