

CLIENT ALERT

North Carolina's Search for Lagoon Alternatives

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On June 17, 2003, the North Carolina House of Representatives approved, by a vote of 103 to 11, a bill to extend the state's moratorium on large hog farms for an additional four years. The moratorium, which is scheduled to expire on September 1 of this year, was first imposed in 1997 in response to the problem of overflowing waste lagoons - specifically, after a lagoon in Onslow County released twenty-five million gallons of hog waste into the New River. Extension of the moratorium had the strong support of Governor Mike Easley, who argued for a four-year rather than two-year extension, and is certain to sign the measure into law. It has already been passed by the state Senate. The state's pork industry does not oppose the extension. However, time is becoming a critical factor.

For almost three years, scientists at North Carolina State University have studied alternatives to the lagoon system, including the possible use of wetlands systems. It was confidently expected that this work, which was funded by the hog industry, could produce an alternative by July 2002. It now appears that the work will not be completed until 2005 - three years beyond the original deadline. Moreover, one of the goals of the project is to find an alternative that is not only environmentally and aesthetically acceptable, but cost effective as well. Wetlands systems, if ultimately selected a viable alternative, cost considerably more to install than lagoons.

Heavy spring rains have kept the pressure on industry and researchers to find a solution. On the same day as the House vote, the House Environment and Natural Resources Committee heard testimony on a bill advanced by environmental groups and the tourism industry to phase out lagoons and spray irrigation fields by September 2008, or ten years after the operation was first issued a permit, whichever is longer. These groups characterize the moratorium as "an excuse for inaction." They seek to place a deadline on the search for a better way. For now, that bill is not expected to pass.

There were no waste spills this year, but lagoon levels reached a critical stage. Over 400 farmers were cited for violations. Many of these self-disclosed the violations. Farmers are required to report to the state when lagoon water reaches specified levels. Those who self-disclosed are not likely to be fined. On June 18, 2003, the Agriculture Committee of the state Senate approved a bill that would allow lagoons to hold an additional seven inches of waste during times of chronic rain.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.