

AGENDA ITEM 5

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Concept

Revision of Odor Control of Feed Ingredient Manufacturing Plants Rule per S.L. 2015-263 (536)

Reason for Action

To revise the Odor Control of Feed Ingredient Manufacturing Plants Rule to be consistent with S.L. 2015-263 (536)

Scope/Nature/Summary

At the conclusion of the 2015 legislative session, the General Assembly enacted S.L. 2014-120, An Act to Provide Regulatory Relief to the Agricultural Community of North Carolina By Providing for Various Transportation and Environmental Reforms and By Making Various Other Statutory Changes. Section 18 of the Session Law amends the requirements that pertain to the control of odor from feed ingredient manufacturing plants. The statutory amendments adjust the timeframe after which raw material has been unloaded at a facility or located at the facility from 24 to 36 hours. The amendments also add timeframes by which a vehicle or container holding raw material that has not been unloaded inside or parked inside an odor controlled area within the facility shall be unloaded for processing. For feathers with trace amounts of blood the timeframe is no later than 48 hours after being weighed upon arrival at the facility. For used cooking oil in sealed tankers the timeframe is no later than 96 hours after being weighed upon arrival at the facility.

Section 18(d) of the Session Law requires the Commission to adopt amendments to 15A NCAC 02D .0539, Odor Control of Feed Ingredient Manufacturing Plants, that are substantively identical to the Session Law provisions. Per the Session Law, these rule amendments are not subject to review by the Rules Review Commission under the Administrative Procedures Act. The amendments are to become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received and thus would become effective following opportunity for legislative review.

15A NCAC 02D .0539 needs to be revised to reflect the session law requirements.

Statutory Authority

G.S. 143-215.3(a)(1); 143-215.107(a)(5); 62-133.8; S.L. 2013-413; S.L. 2014-120; S.L.2015-263.