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CHAPTER 20

Confined Swine Feeding Operations

**SECTIONS 47‑20‑10 to 47‑20‑160.** Repealed by Section 47‑20‑165(E).

Code Commissioner’s Note

At the direction of the Code Commissioner, these sections were repealed, pursuant to Section 47‑20‑165(E), on the effective date of Regulation 61‑43, Standards for Permitting of Agricultural Facilities, promulgated by State Register Volume 22, Issue No. 6, eff June 26, 1998.

Editor’s Note

Former Section 47‑20‑10 was entitled “Definitions” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑20 was entitled “Setback limits” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑30 was entitled “Waiver of setback limits” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996; amended by 1997 Act No. 34, Section 1, eff January 1, 1998.

Former Section 47‑20‑40 was entitled “Promulgation of regulations relating to animal waste land application” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑50 was entitled “Minimum separation distances” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑60 was entitled “Promulgation of regulations relating to waste lagoons and alternative technologies for the treatment of animal waste” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑70 was entitled “Emission of undesirable level of odor” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑80 was entitled “Promulgation of regulations relating to the control of vectors” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑90 was entitled “Permit decisions” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑100 was entitled “Annual inspections; fees” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑110 was entitled “Monitoring wells” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑120 was entitled “Release of waste to waters of the State” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑130 was entitled “Training and certification program” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑140 was entitled “Notice of intent to construct or expand; public hearings” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑150 was entitled “Permits” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

Former Section 47‑20‑160 was entitled “Promulgation of regulations relating to operations with a capacity of 420,000 pounds live weight or less; deadlines” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.

**SECTION 47‑20‑165.** Promulgation and effect of separate and distinct confined swine feeding operations regulations.

 (A) In addition to any regulations authorized to be promulgated pursuant to this chapter, the Department of Health and Environmental Control shall promulgate regulations regarding confined swine feeding operations which are separate and distinct from the regulations promulgated pursuant to this chapter.

 (B) The separate and distinct regulations shall not be proposed until after the regulations required to be promulgated pursuant to this chapter take effect.

 (C) The provisions of this chapter and Section 46‑45‑30 are severable and enforceable irrespective of whether a particular regulation has been promulgated.

 (D)(1) The separate and distinct regulations shall include, but are not limited to, including the following:

 (a) definitions;

 (b) setback requirements;

 (c) land application rates for animal waste and waste storage ponds;

 (d) lagoon construction and maintenance requirements;

 (e) odor control;

 (f) vector control;

 (g) application and annual operation fees;

 (h) monitoring wells;

 (i) certification of owners or operators of confined animal feeding operations and waste management systems;

 (j) public notice requirements; and

 (k) permit renewals.

 (2) In addition, the separate and distinct regulations shall be based upon an evaluation of the impact upon the interests of the environment and agribusiness.

 (3) In promulgating the separate and distinct regulations, the department shall use the limits, distances, and other requirements provided in this chapter as the basis for the regulations. When the department submits the proposed regulations to the General Assembly for approval, in addition to the information which must be filed pursuant to Section 1‑23‑120 of the 1976 Code, the department shall include an explanation for each change proposed in the separate and distinct regulations from the requirements of this chapter.

 (E) When the regulations promulgated by the department pursuant to this section are approved by the General Assembly or take effect without action of the General Assembly, the provisions of this chapter and Section 46‑45‑30, and any regulations promulgated pursuant to authority granted in this chapter, are thereby repealed and shall no longer have the force and effect of law.

HISTORY: 1996 Act No. 460, Section 3, eff July 1, 1996.

Code Commissioner’s Note

1996 Act No. 460, Section 3, eff July 1, 1996, was printed as Code section 47‑20‑165 at the direction of the Code Commissioner.

**SECTION 47‑20‑170.** Repealed by Section 47‑20‑165(E).

Code Commissioner’s Note

At the direction of the Code Commissioner, this section was repealed, pursuant to Section 47‑20‑165(E), on the effective date of Regulation 61‑43, Standards for Permitting of Agricultural Facilities, promulgated by State Register Volume 22, Issue No. 6, eff June 26, 1998.

Editor’s Note

Former Section 47‑20‑170 was entitled “Violations” and was derived from 1996 Act No. 460, Section 1, eff July 1, 1996.