

# Agriculture and Natural Resources Committee



Daniel B. Verdin, III  
Chairman

Gene Hogan  
Research Director

Vivian McDowell  
Administrative Assistant

THE SENATE OF SOUTH CAROLINA  
SUITE 402, GRESSETTE OFFICE BUILDING  
P.O. BOX 142  
COLUMBIA, SOUTH CAROLINA 29202-0142  
(803) 212-6230

**Date:** January 3, 2018

**To:** All Committee Members

**From:** Senator Danny Verdin, Committee Chairman

**Subject:** Full Committee Meeting

The Senate Agriculture and Natural Resources Committee will meet on **Thursday, January 11 at 9:30 AM in Room 209 of the Gressette Building.**

## Agenda

---

1. [H. 3929](#) -- Reps. Hiott, Pitts, Kirby, Forrest, Yow, Sandifer, Atkinson, Hayes, Hixon, V.S. Moss, S. Rivers, Magnuson, Long, Chumley, Burns, Loftis and Gagnon A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-65 SO AS TO ESTABLISH SPECIFIC REQUIREMENTS FOR THE REVIEW AND APPEAL OF DECISIONS BY THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) REGARDING THE PERMITTING OF CERTAIN AGRICULTURAL ANIMAL FACILITIES; TO AMEND SECTION 44-1-60, AS AMENDED, RELATING TO APPEALS FROM DHEC DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO REVISE AND CLARIFY PROCEDURES FOR REVIEWING PERMITS FOR CERTAIN AGRICULTURAL ANIMAL FACILITIES; TO AMEND SECTION 46-45-60, RELATING TO APPLICABILITY OR LOCAL ORDINANCES TO AGRICULTURAL OPERATIONS, SO AS TO CHANGE CERTAIN EXCEPTIONS; AND TO AMEND SECTION 46-45-80, RELATING TO SETBACK DISTANCES FOR CERTAIN AGRICULTURAL ANIMAL FACILITIES, SO AS TO PROHIBIT DHEC FROM REQUIRING ADDITIONAL SETBACK DISTANCES IF ESTABLISHED DISTANCES ARE ACHIEVED, TO PROHIBIT THE WAIVER OR REDUCTION OF SETBACK DISTANCES IF THEY ARE ACHIEVED, WITH EXCEPTIONS, WITHOUT WRITTEN CONSENT OF ADJOINING PROPERTY OWNERS, AND TO ALLOW DHEC TO REQUIRE CERTAIN BUFFERS.
  2. Overview of further committee work
-

## SENATE AGRICULTURE & NATURAL RESOURCES COMMITTEE

### Summary: H. 3929 – Agricultural animal facilities

#### SECTION 1. Chapter 1 of Title 44

##### 44-1-65: Permit criteria

- Must be germane to poultry facility regulations
- Only an “affected person” given standing
  - Includes requests for, or becoming party to --
    - Final review conference
    - Contested case hearing
  - Defined as property owner within one-mile radius of proposed facility
- Department may not take into account changes to property after permit date
- Waiver of right to contest may not be rescinded
- Right to appeal Department decision to Administrative Law Court remains intact

#### SECTION 2. Chapter 1 of Title 44

44-1-60(A): Department decisions must comply with 44-1-65

#### SECTION 3. Chapter 45 of Title 46

##### 46-45-80: Setbacks

- If minimum standards (R. 61-43) are met, Department may not require greater distance
- Distance from property line / residence may be waived / reduced by adjacent land owner
- Vegetative buffer required (*current law; brought back into bill by House amendment*)

SECTION 4. This act takes effect upon approval by the Governor.