

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: November 22, 2017

To: Agricultural Subcommittee Members

Sen. Williams, Chairman
Sen. Sabb

Sen. Matthews
Sen. Rice

Sen. Verdin
Sen. Hembree

From: Senator Danny Verdin, Committee Chairman

Subject: Agricultural Subcommittee Meeting

The Agricultural Subcommittee of the Senate Agriculture and Natural Resources Committee will meet on **Wednesday, December 6, 2017 at 10:00 AM in Room 308 of the Gressette Building.**

Agenda

[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.

(Continued on next page)

Public input on this matter is welcome and may be offered using one of the following three methods:

- Electronically, by sending a message or attachment to sagricomm@scsenate.gov (in the Subject line, please use **H. 3929**).
- In writing, to:

Agriculture & Natural Resources Committee, South Carolina Senate
Attention: Research Director
Suite 402, Gressette Building
P. O. Box 142
Columbia, SC 29202

- Speaking to the Subcommittee. Please register using the following link :

<https://goo.gl/forms/GV3YkJq9LEzEsVHn1>

Walk-up testimony will be on a time available basis, at the discretion of the Chairman. **All speakers should come prepared to limit their comments to 3 minutes each.**

All documents must be received and all registration accomplished by 12:00 PM, Wed. Nov. 29

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 affected people given standing -- those in 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.