



Document Number: 4997  
Regulation: 61-43, Standards for the Permitting of Agricultural Animal Facilities

**I. The Department of Health and Environmental Control (“DHEC”) proposes amending R.61-43, to incorporate Act 139 of 2018:**

- S.C. Code Section 44-1-65 establishes specific requirements for review and appeal of decisions by the Department regarding the permitting, licensing, certification, or other approval of poultry and other animal facilities, except swine facilities.
- Section 44-1-60 sets procedures for reviewing permits for poultry and other animal facilities, except swine facilities, relating to appeals from Department decisions giving rise to contested cases.
- Section 46-45-80 includes provisions regarding setback distances for poultry and other animal facilities, except swine facilities, to prohibit requiring additional setback distances if established distances are achieved, allow waiver of the established setback distances in certain circumstances, and other purposes.
- Amend to correct typographical errors, citation errors, and other errors and omissions that have come to the Department’s attention. These include correcting form and regulation references, updating definitions, adding and/or omitting language and punctuation, clarifying language [or intent], reorganizing sections for consistency, and other such changes.

These amendments expand and clarify definitions applicable to agricultural animal facility regulations and standards, streamline permitting options, clarify reporting requirements, identify the Department’s consistent public noticing method, improve the regulation’s organizational structure, and provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R.61-43.

**II. DHEC proposes this amendment because:**

These amendments expand and clarify definitions applicable to agricultural animal facility regulations and standards, streamline permitting options, clarify reporting requirements, identify the Department’s consistent noticing method, improve the regulation’s organizational structure, and provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R.61-43.

**III. DHEC staff conducted and will conduct public outreach as follows to receive input on the proposed amendments:**

- The Bureau of Water (“Bureau”) held six stakeholder meetings, two on March 28, 2019, two on Sept. 19, 2019, Aug. 25, 2020, and Sept. 14, 2020. Stakeholders provided comments and suggestions regarding the proposed changes to the regulation.
- The Bureau held a stakeholder meeting on October 26, 2020. This meeting allowed stakeholders to discuss the proposed changes that were published in the Notice of Proposed

Regulation in the *State Register*. Stakeholders provided comments and suggestions regarding the proposed changes to the regulations.

**IV. DHEC anticipates the following impact to the regulated community and the public:**

DHEC does not anticipate a negative impact to the regulated community since most of the proposed regulation changes were a result of the industry requesting changes in the statute that required the Department to make the changes to the regulation. Additionally, applicants can expect a cost savings from updated public noticing and public meeting processes. DHEC anticipates that the proposed changes will make the regulation clearer and easier to understand for both the regulated community and the public.

**V. DHEC anticipates the following impact to the state:**

The Department does not anticipate an increase in costs to the state or its political subdivisions. Proposed changes to the public notice process will be a cost saving measure to the Department.