

## R.61-43, Standards for the Permitting of Agricultural Animal Facilities – Proposed Amendment

State Register Document No. 4997

General Assembly review required

Link to Notice of Final Regulation (“NFR”) for legislative review: [www.scstatehouse.gov/regs/4997.docx](http://www.scstatehouse.gov/regs/4997.docx)

### Status |

Legislative review of NFR will begin: January 2021

### Contact Information |

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### Summary |

The Department proposes amending R.61-43, Standards for the Permitting of Agricultural Animal Facilities, to incorporate Act 139 of 2018, which amended S.C. Code Sections 44-1-60 and 46-45-80 and added Section 44-1-65. 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 for 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, so as to prohibit requiring additional setback distances if established distances are achieved, allow waiver of the established setback distances in certain circumstances, and other purposes.

The Department also proposes amendments to correct typographical errors, citation errors, and other errors and omissions that have come to the Department’s attention. These include correcting form references and regulation references, updating definitions, adding and/or omitting language and punctuation, clarification, reorganizing sections for consistency, and other such changes. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these amendments.

### History |

NOD published; comment period started:	June 26, 2020
NOD comment period closed:	July 27, 2020
Board approval to publish NPR:	September 10, 2020
NPR published; comment period started:	September 25, 2020
NPR comment period closed:	October 26, 2020
Public Hearing:	December 10, 2020