

## **DHEC Issues Emergency Swine Regulation**

On August 9, 2001, the Commissioner of the Department of Health and Environmental Control issued an Emergency Regulation affecting large swine facilities with more than one million pounds of normal production live weight. On the same date, the Board of Health and Environmental Control authorized the rulemaking process for amendment of current R.61-26, Animal Feeding Operations. The Department will be publishing a Notice of Proposed Rulemaking in the August 24, 2001 issue of the State Register and seeking public comment at a public informational forum for September 24, 2001 at Peoples Auditorium at 2600 Bull Street, Columbia, SC. The Department plans to present a final version of the revised regulation to the Board at its November 2001 meeting for approval to file with the General Assembly.

While the primary focus of these documents is large swine facilities, both the Emergency Regulation and the proposed amendment to R.61-26 contain a detailed provisions relating to the compliance history of any applicant for a "large" swine facility permit. While environmental compliance history has been the subject of several proposed bills in the General Assembly, no statute has ever been enacted addressing this subject. This should be of interest to all sectors of the regulated community.

Each of these documents can be found on the Departments web site. The Emergency Regulation is located at <http://www.scdhec.net/water/pubs/ager.pdf> and a summary can be linked at <http://www.scdhec.net/water/pubs/agersum.pdf>. The proposed regulation can be found at <http://www.scdhec.net/water/pubs/agproreg.pdf>. Questions can be directed to one of the environmental practitioners at Nexsen Pruet at (803) 771-8900.