

Executive Order 2001-11

(April 23, 2001)

WHEREAS, the environment and the health and welfare of citizens of South Carolina must be protected from pollutants generated by the growing or confining of swine, processing of swine waste, and land application of swine waste; and

WHEREAS, there are two permit applications pending before the Department of Health and Environmental Control for swine facilities; and

WHEREAS, these factory-style swine facilities would process as many as 31,000 animals; and

WHEREAS, additional, similar operations are anticipated to be proposed; and

WHEREAS, I have been contacted by legislators, officials, and constituents from Dillon, Marion and Marlboro counties expressing concern about the pending applications for the construction of swine operations and about the possibility that additional facilities will be proposed; and

WHEREAS, despite the existing regulations for the permitting of agricultural animal facilities, there is considerable concern for the environmental, health and social effects of these factory-style operations in the adjoining communities in the Pee Dee region and across the entire State, and the danger to state and local economic development efforts; and

WHEREAS, the General Assembly and the Department of Health and Environmental Control (DHEC) need time to consider the environmental and social effects of these large operations and the effect of the concentration of multiple facilities on the health and welfare of the citizens and natural resources of this State and the adequacy of the existing laws, regulations and procedures relating to the permitting of swine facilities and lagoons; and

WHEREAS, pursuant to Section 25-1-440 of the South Carolina Code of Laws, as amended, I hereby declare a State of Emergency due to the threat of a disaster within the State.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor pursuant to the Constitution and the laws of South Carolina, I hereby establish a moratorium on the construction or expansion of swine facilities and lagoons, and on the permitting of a waste management plan for swine facilities and lagoons.

For the duration of this Executive Order, neither DHEC nor any other state, county, or local agency or official shall issue a permit for the handling, storage, treatment and final disposal or utilization of swine waste from a new or existing swine facility or lagoon. I further order the Board of Health and Environmental Control to meet at the earliest possible time to consider an administrative moratorium on the issuance of permits for swine facilities, lagoons and associated waste management plans or other appropriate action that will allow sufficient time for thorough exploration and analysis of the issues associated with the handling, storage, treatment and final disposal or utilization of wastes created by these facilities.

The moratorium established under this Executive Order does not prohibit:

Construction to repair a component of an existing swine farm or lagoon.

Construction to replace a component of an existing swine farm or lagoon if the replacement does not result in an increase in swine population or waste, or

Construction for the purpose of complying with applicable animal waste management rules and not for the purpose of increasing the swine population or waste.

For the purposes of this Executive Order, the terms "swine", "swine facility", "lagoon" and "waste management plan" shall have the same meanings set forth in Part 100.20 of DHEC Regulation 61-43.

This Executive Order shall take effect immediately.