

From: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
To: Danny Varat <DannyVarat@scstatehouse.gov>
Date: 4/12/2017 9:02:48 AM
Subject: FW: H. 3929 agricultural Animal facility

Following up again. Please advise.

Best Regards,
Catherine McNicoll
Director of Legal & Legislative Affairs
Lieutenant Governor's Office
CatherineMcNicoll@SCStatehouse.gov
803-734-5292 (phone)

From: Catherine McNicoll
Sent: Friday, April 07, 2017 4:24 PM
To: Danny Varat
Subject: RE: H. 3929 agricultural Animal facility

Danny, I think we discussed this but I don't remember what we decided to do, please advise.

Best Regards,
Catherine McNicoll
Director of Legal & Legislative Affairs
Lieutenant Governor's Office
CatherineMcNicoll@SCStatehouse.gov
803-734-5292 (phone)

From: Catherine McNicoll
Sent: Monday, April 03, 2017 3:01 PM
To: Danny Varat <DannyVarat@scstatehouse.gov>
Subject: FW: H. 3929 agricultural Animal facility

Danny, Mr. Martin has more clearly articulated his issues below, how would you like me to proceed.

Best Regards,
Catherine McNicoll
Director of Legal & Legislative Affairs
Lieutenant Governor's Office
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803-734-5292 (phone)

From: eddie martin [<mailto:theebenezerfarm@gmail.com>]
Sent: Saturday, April 01, 2017 9:26 AM
To: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Subject: Re: H. 3929 agricultural Animal facility

Catherine,

Below is a letter I sent yesterday as I understand the implications of the bill in a gravely different level as a farmer, rural landowner and a professional agricultural engineer (retired) who has worked for decades in that industry. I think my facts are clear and the logic is seasoned. There is a great deal more than merely limiting individuals. A great deal more. I would be wary of sources who partially informed you.

One issue:

I did not go into technicalities of 303D issues:

www.scdhec.gov/HomeAndEnvironment/Water/ImpairedWaters/Overview

where SC DHEC designates impaired waters by watersheds but also apparently ignores these issues when reviewing permit applications. The issue of separating a large operation into 3 submissions for the same tract of land is deceitful at best and circumventing the SC DHEC rules of maximum live weight and more stringent regulations for large operations and CAFOs. And there is the disconnect between SD DHEC regulations, SC DNR regulations and the Second Amendment with the issue of firearm use on adjoining private properties. There are great disconnects in the laws and implications of pollution control. Why designate state and federal grant and cost share money to designate, monitor and clean up a watershed while loading up the same watershed with many more tons of pollutants?

Finally, changing a fee by ten fold is not a mere limitation for the average landowner and in real rural and agricultural terms right now that is four top brood cows, nine weaned steers or 20 productive ewes. I can attest to that as a rural person who raises both cattle and sheep. That is a huge loss or cost for a citizen who is minding their own business while others move into their community to disrupt their lives.

Please share these facts with Lt. Gov Bryant as I spoke to him yesterday and he was interested in the details impacting the average citizens.

Thank you,
Eddie

March 31, 2017

Dear Senator Gambrell and Representative West:

I would like to mention the bill H.3929 and how it has come about and some unspoken ramifications to innocent citizens. The bill generates from a situation in Mountville, SC where a man has bought land away from his house and community to build 20+ chicken houses under 3 named individuals as separate ownerships. This helps to circumvent both the smell and impact at his own home, yard and community and also overrides the rules pertaining to confined operations with stepped up regulations based on maximum pounds of live weight in an operation. This individual actually owns adequate land near his house where additional houses could be erected if permitting was sought. This unbalanced, and in my opinion, unjust scenario could occur anywhere in South Carolina and that is my concern.

Changing/weakening buffer setbacks and conditions are critical for adjoining landowners. Particulates can only be filtered out of the air and tall vegetation which occupy the first thermocline adjacent to the ground, such as trees, are quite adequate for the filtration of particulates which are odor-carrying particles such as dust, skin flakes, feather debris and such. The buffers do not filter volatilized ammonia or other organic odors as well so longer distances of intact buffers are quite important to allow the air and odor to lift into the next layer or thermocline of atmosphere.

Short buffers directly impact land use of adjoining property as DNR enforced rules do not allow shooting of rifles within a much longer buffer from a confined facility than the buffers required of the facilities to the property lines. That is a legal problem that could be remedied another day by making state laws equal between agencies. Otherwise it is a "taking" of private property rights of adjoining landowners. What if it is wild hog or coyote control and not just hunting? Or, let's pray not, self-protection. Do we punish the innocent because of conflicting buffer rules? That seems very wrong.

The concerned area that has started this issue is in the impaired watershed of Little River due to many and large

existing livestock concentrations in the watershed and it seems odd to add many more tons of animal waste to a watershed that is already designated by SC DHEC as in peril due to very poor water quality. Not to mention Lake Murray, public use, municipal water, recreational use, tourism and other positives as a receiving body for the increased pollutants.

The bill seemingly attempts to stifle any local citizens' rights to protect their 2nd amendment rights, their pursuit of happiness and are strong arm tactics of the Farm Bureau, maybe a push of the poultry industry and a flaunting of current regulations to help the few and harm the many. The vehicle of control is increased fees to price the mom and pop citizens out of their day in court. That is wrong.

I am not naïve on this issue as I am a life-long farmer and also worked 33+ years directly with these issues as an agricultural engineer with USDA-NRCS. I honestly have mixed feeling as I detest frivolous lawsuits, support the rights of decent farmers, want protection of private property rights, have a sense of community yet know a huge amount about the dealings of animal waste, confined livestock, the history of DHEC regulations and the problems and benefits of such integrated systems. But I do not want South Carolina to run roughshod over many citizens for the good of a few with political ties to groups like Farm Bureau and I do not want South Carolina to be known as the "Stinky State" because we are willing to cut off our nose to spite our face.

Thank you for reading and listening and I appreciate all that you can do to support the citizens of South Carolina.

Eddie Martin
3740 Hwy 413
Anderson, SC 29621
864 296-0454

On Fri, Mar 31, 2017 at 4:30 PM, Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov> wrote:

Good Afternoon Mr. Martin,

I have been asked to reach out to you regarding H. 3929. The primary impact of the current language is that it sets a limit on who can contest an agricultural facility being permitted or licensed. It does this by limiting the definition of an "affected person".

Please let me know if you have any questions or would like more specific information. Thank you.

Best Regards,
Catherine McNicoll
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