

GENERAL INFORMATION ON PUBLIC HEARINGS

Proposed (New) or Expanding Large Swine Facilities

Purpose

This brochure is designed to explain the events that take place before, during, and after a public hearing and what can and cannot occur at a public hearing.

Notifying the Public

For new or expanding large swine facilities, the permit applicant is required by regulation to give adjoining property owners notice of the proposed agricultural facility. Also, Department of Health and Environmental Control is required to place a notice of receipt of the application for a new or expanding large swine facility in a local newspaper and a copy of the notice is sent to the appropriate County Council and the owner of any downstream water intake which may be affected. The purpose of these notices is to give you, the public, an opportunity to comment on the new or expanding large swine facility. All comments should be made in writing and addressed to the person mentioned in the public notice. These comments can be in the form of a letter or a petition. Both must contain legible names and addresses in order to receive future correspondence.

DHEC must hold a public hearing on a proposed new or expanding large swine facility with less than 1,000,000 pounds when twenty (20) or more different people request a public hearing or when there is significant public interest. For a new or expanding large swine facility with 1,000,000 or more pounds, a public hearing must be held regardless on the comments received or public interest. When a hearing is held DHEC must notify the public of the scheduled hearing usually by means of an advertisement in a local newspaper, at least thirty (30) days prior to the hearing date. Everyone who sent letters or signed petitions with a legible name and address will receive a copy of the hearing notice.

The notice of the public hearing contains such information as the name of the permit applicant, location and time of hearing, and the closing date for comments on the proposed facility. The notice also includes the rules to be used at the hearing. DHEC normally holds public hearings at 7:00 p.m. on a week night in the area of the proposed permit.

When DHEC places a notice in a newspaper that an application has been received for a new or expanding large swine facility and/or holds a public hearing, it does not mean that a final decision has been made about the issuance of a permit. DHEC does not make a final decision until after the public hearing has been held and the comment period has expired.

Prior to the Public Hearing

Before attending a public hearing, DHEC encourages you to visit the appropriate DHEC Environmental Quality Control district office or the Columbia office to review the file on the proposed facility or request any other pertinent information. DHEC staff will be willing to explain the application/facility to you during this time. By becoming familiar with the information in advance, you will be better prepared to present your comments concerning the facility in question. DHEC encourages you to write down your comments and concerns prior to the actual hearing.

Please note that DHEC is not involved in zoning or land use issues as these are local issues. You should contact your local municipal or county officials concerning these issues. Zoning and land use are not subjects for an agricultural facility hearing.

What Actually Happens At a Public Hearing?

The hearing is not designed to be a question and answer period; rather, it offers the public a chance to express its concerns and comments regarding the proposed facility. At the hearing, both oral and written comments will be accepted. A court reporter will be at the hearing to record the hearing.

Upon your arrival at the hearing you will be asked to sign in and indicate whether you wish to make a comment during the hearing. At the start of the hearing, the hearing officer will explain the hearing format. Next, DHEC will briefly explain the proposed facility's application. Then, all parties who indicated they wanted to make comments will be individually called upon by the hearing officer to give their comments.

Only the hearing officer will be allowed to ask questions. After all comments are heard, the hearing officer will give an explanation of the administrative process DHEC will follow to reach a final decision on the proposed facility. The hearing officer may summarize the hearing and address any issues that arose during the presentation of comments. The hearing officer will then close the hearing.

Several days after the hearing, DHEC will receive a transcript of the hearing from the court reporter. The transcript will be available for review and a copy can be provided for a fee, but it must be requested.

The Results Are In...

DHEC will review all comments received during the hearing as well as comments made up until the end of the comment period.

All persons who signed the register at the hearing along with those who submitted comments and petitions will receive a copy of the final decision. Final decisions can be appealed. Please see the brochure entitled "General Information on Appeals for Agricultural Permits" for more information on appeals. This brochure is normally mailed out with the final decision.

Once the review is completed, DHEC will arrive at the final determination, which can be one of two alternatives:

1. Issue the permit, ensuring pertinent public comments have been properly addressed; or
2. Deny the permit.

FOR MORE INFORMATION

For more information on public hearings, contact:

Agricultural & Storm Water Permitting
SCDHEC
2600 Bull Street
Columbia, SC 29201
Telephone # (803) 898-4300

To obtain information on a proposed large swine facility and other related information, contact:

Freedom of Information
Administrator
SCDHEC
Freedom of Information Office
2600 Bull Street
Columbia, SC 29201
Telephone # (803) 898-3882.