



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

States' Applicator Certification & Education Statutes & Regulations: *South Carolina*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication
States' Applicator Certification & Education Statutes &
Regulations: South Carolina

SC Code § 47-20-165
SC Code § 48-1-10(23)
SC Code § 48-1-30
SC Code § 48-1-90
SC Code § 48-1-100
SC Code Regs § 61-43-50
SC Code Regs § 61-43-100.190
SC Code Regs § 61-43-200.190
SC Code Regs § 61-43-400.120

*The statutes and Constitution are current through the 2018 regular and special legislative sessions.
The statutes are subject to changes by the South Carolina Legislative Services Agency.*

SC Code § 47-20-165. Promulgation and effect of separate and distinct confined swine feeding operations regulations.

(A) In addition to any regulations authorized to be promulgated pursuant to this chapter, the Department of Health and Environmental Control shall promulgate regulations regarding confined swine feeding operations which are separate and distinct from the regulations promulgated pursuant to this chapter.

(B) The separate and distinct regulations shall not be proposed until after the regulations required to be promulgated pursuant to this chapter take effect.

(C) The provisions of this chapter and Section 46-45-30 are severable and enforceable irrespective of whether a particular regulation has been promulgated.

(D)

(1) The separate and distinct regulations shall include, but are not limited to, including the following:

(a) definitions;



- (b) setback requirements;
- (c) land application rates for animal waste and waste storage ponds;
- (d) lagoon construction and maintenance requirements;
- (e) odor control;
- (f) vector control;
- (g) application and annual operation fees;
- (h) monitoring wells;
- (i) certification of owners or operators of confined animal feeding operations and waste management systems;
- (j) public notice requirements; and
- (k) permit renewals.

(2) In addition, the separate and distinct regulations shall be based upon an evaluation of the impact upon the interests of the environment and agribusiness.

(3) In promulgating the separate and distinct regulations, the department shall use the limits, distances, and other requirements provided in this chapter as the basis for the regulations. When the department submits the proposed regulations to the General Assembly for approval, in addition to the information which must be filed pursuant to Section 1-23-120 of the 1976 Code, the department shall include an explanation for each change proposed in the separate and distinct regulations from the requirements of this chapter.

(E) When the regulations promulgated by the department pursuant to this section are approved by the General Assembly or take effect without action of the General Assembly, the provisions of this chapter and Section 46-45-30, and any regulations promulgated pursuant to authority granted in this chapter, are thereby repealed and shall no longer have the force and effect of law.

SC Code § 48-1-10. Short title; definitions.

This chapter may be cited as the "Pollution Control Act" and, when used herein, unless the context otherwise requires:

- (1) "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry,



copartnership, association, firm, trust, estate or any other legal entity whatsoever;

(2) "Waters" means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction;

(3) "Marine district" means the waters of the Atlantic Ocean within three nautical miles from the coast line and all other tidal waters within the State;

(4) "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present and the admixture with sewage of industrial wastes or other wastes shall also be considered "sewage";

(5) "Industrial waste" means any liquid, gaseous, solid or other waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development of any natural resources;

(6) "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, clay, lime, cinders, ashes, offal, oil, gasoline, other petroleum products or by-products, tar, dye stuffs, acids, chemicals, dead animals, heated substances and all other products, by-products or substances not sewage or industrial waste;

(7) "Pollution" means (1) the presence in the environment of any substance, including, but not limited to, sewage, industrial waste, other waste, air contaminant, or any combination thereof in such quantity and of such characteristics and duration as may cause, or tend to cause the environment of the State to be contaminated, unclean, noxious, odorous, impure or degraded, or which is, or tends to be injurious to human health or welfare; or which damages property, plant, animal or marine life or use of property; or (2) the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water;

(8) "Standard" or "standards" means such measure of purity or quality for any waters in relation to their reasonable and necessary use as may after hearing be established;



- (9) "Department" means the Department of Health and Environmental Control;
- (10) "Sewage system" or "sewerage system" means pipelines and conductors, pumping stations, force mains and all other construction, devices and appliances appurtenant thereto used for conducting sewage, industrial waste or other wastes to a point of ultimate discharge;
- (11) "Treatment works" means any plant, disposal field, lagoon, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary land fills or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage, industrial waste or other wastes;
- (12) "Disposal system" means a system for disposing of sewage, industrial waste or other wastes, including sewerage systems and treatment works;
- (13) "Outlet" means the terminus of a sewer system or the point of emergence of any water-borne sewage, industrial waste or other wastes, or the effluent therefrom, into the waters of the State;
- (14) "Shellfish" means oysters, scallops, clams, mussels and other aquatic mollusks and lobsters, shrimp, crawfish, crabs and other aquatic crustaceans;
- (15) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts which surrounds human, plant, or animal life, water or property;
- (16) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combination thereof produced by processes other than natural;
- (17) "Source" means any and all points of origin of air contaminants whether privately or publicly owned or operated;
- (18) "Undesirable level" means the presence in the outdoor atmosphere of one or more air contaminants or any combination thereof in sufficient quantity and of such characteristics and duration as to be injurious to human health or welfare, or to damage plant, animal or marine life, to property or which unreasonably interfere with enjoyment of life or use of property;
- (19) "Emission" means a release into the outdoor atmosphere of air contaminants;
- (20) "Environment" means the waters, ambient air, soil and/or land;
- (21) "Effluent" means the discharge from a waste disposal system;



(22) "Effluent limitations" means restrictions or prohibitions of chemical, physical, biological, and other constituents which are discharged from point sources into State waters, including schedules of compliance;

(23) "Point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel, or other floating craft, from which pollutants are or may be discharged.

SC Code § 48-1-30. Promulgation of regulations; approval of alternatives.

The Department shall promulgate regulations to implement this chapter to govern the procedure of the Department with respect to meetings, hearings, filing of reports, the issuance of permits and all other matters relating to procedure. The regulations for preventing contamination of the air may not specify any particular method to be used to reduce undesirable levels, nor the type, design, or method of installation or type of construction of any manufacturing processes or other kinds of equipment. Except where the Department determines that it is not feasible to prescribe or enforce an emission standard or standard of performance, it may, by regulation, specify equipment, operational practice, or emission control method, or combination thereof. The Department may grant approval for alternate equipment, operational practice, or emission control method, or combination thereof, where the owner or operator of a source can demonstrate to the Department that such alternative is substantially equivalent to that specified.

SC Code § 48-1-90. Causing or permitting pollution of environment prohibited; remedies.

(A)

(1) It is unlawful for a person, directly or indirectly, to throw, drain, run, allow to seep, or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes, and other wastes, except in compliance with a permit issued by the department.

(2) The permit requirements of subsection (A)(1), Section 48-1-100, and Section 48-1-110 do not apply to:

(a) discharges in a quantity below applicable threshold permitting requirements established by the department;

(b) discharges for which the department has no regulatory permitting program;



(c) discharges exempted by the department from permitting requirements; or

(d) normal farming, silviculture, aquaculture, ranching, and wildlife habitat management activities that are not prohibited by or otherwise subject to regulation.

(3) Subsection (A)(2) must not be construed to:

(a) impair or affect common law rights;

(b) repeal prohibitions or requirements of other statutory law or common law; or

(c) diminish the department's authority to abate public nuisances or hazards to public health or the environment, to abate pollution as defined in Section 48-1-10(7), or to respond to accidental discharges or spills.

(4) A person must first petition the department in writing for a declaratory ruling as to the applicability of a specific, existing regulatory program to a proposed or existing discharge into the environment, provided that the proposed or existing discharge is not exempt or excluded from permitting as is set forth in subsection (A)(2). The person proposing to emit or emitting such discharge must be named on and served with the petition. The department must, within sixty days after receipt of such petition, issue a declaratory ruling as to the applicability of such program to such discharge. If the department determines a permit is required under such program and that no exception or exclusion exists, including, but not limited to, the exceptions set forth in subsection (A)(2), the department must issue a declaration requiring the submission of an application to permit such discharge pursuant to the applicable permitting program. If the department further determines that immediate action is necessary to protect the public health or property due to such unpermitted discharge, the department may further declare the existence of an emergency and order such action as the department deems necessary to address the emergency. Any person to whom such emergency order is directed may apply directly to the Administrative Law Court for relief and must be afforded a hearing within forty-eight hours. Regardless of whether a hearing is held, the department must revoke all emergency orders as soon as conditions or operations change to the extent that an emergency no longer exists. A party contesting any department decision on a petition may request a contested case hearing in the Administrative Law Court.



Notwithstanding the administrative remedy provided for in this section, no private cause of action is created by or exists under this chapter.

(B)

(1) A person who discharges organic or inorganic matter into the waters of this State as described in subsection (A) to the extent that the fish, shellfish, aquatic animals, wildlife, or plant life indigenous to or dependent upon the receiving waters or property is damaged or destroyed is liable to the State for the damages. The action must be brought by the State in its own name or in the name of the department.

(2) The amount of a judgment for damages recovered by the State, less costs, must be remitted to the agency, commission, department, or political subdivision of the State that has jurisdiction over the fish, shellfish, aquatic animals, wildlife, or plant life or property damaged or destroyed.

(3) The civil remedy provided in subsection (B)(2) is not exclusive, and an agency, commission, department, or political subdivision of the State with appropriate authority may undertake in its own name an action to recover damages independent of this subsection.

SC Code § 48-1-100. Permits for discharge of wastes or air contaminants; jurisdiction of department.

(A) A person affected by the provisions of this chapter or the rules and regulations adopted by the department desiring to make a new outlet or source, or to increase the quantity of discharge from existing outlets or sources, for the discharge of sewage, industrial waste or other wastes, or the effluent therefrom, or air contaminants, into the waters or ambient air of the State, first shall make an application to the department for a permit to construct and a permit to discharge from the outlet or source. If, after appropriate public comment procedures, as defined by department regulations, the department finds that the discharge from the proposed outlet or source will not be in contravention of provisions of this chapter, a permit to construct and a permit to discharge must be issued to the applicant. The department, if sufficient hydrologic and environmental information is not available for it to make a determination of the effect of the discharge, may require the person proposing to make the discharge to conduct studies that will enable the department to determine that its quality standards will not be violated.

(B) The Department of Health and Environmental Control is the agency of state government having jurisdiction over the quality of the air and waters of the State of South Carolina. It shall develop and enforce standards as may



be necessary governing emissions or discharges into the air, streams, lakes, or coastal waters of the State, including waste water discharges.

(C) The Department of Health and Environmental Control is the agency of state government having jurisdiction over those matters involving real or potential threats to the health of the people of South Carolina, including the handling and disposal of garbage and refuse; septic tanks; and individual or privately-owned systems for the disposal of offal and human or animal wastes.

SC Code Regs § 61-43-50. General Definitions.

For purposes of this regulation, the following definitions apply:

A. “Agricultural animal” means an animal confined in an agricultural facility.

B. “Agricultural facility” means a lot, building, or structure, which is used for the commercial production of animals in an animal facility.

C. “Agronomic rate” is the animal manure and other animal by-products application rate designed: (1) to provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land and (2) to minimize the amount of nitrogen in the animal manure that passes below the root zone of the crop or vegetation grown on the land to the groundwater and (3) to provide the amount of other organic and inorganic plant nutrients which promote crop or vegetative growth, such as calcium-carbonate equivalency and (4) to provide the amount of phosphorus needed by the crop or vegetation grown on the land without causing an excessive build up of phosphorus in the soil.

D. “Animal” means any domesticated animal.

E. “Animal by-product” means a secondary or incidental product of animal production that may include bedding, spilled feed, water or soil, milking center washwater, contaminated milk, hair, feathers, dead animals or other debris. This definition may also refer to dead animal or animal manure compost.

F. “Animal facility” means an agricultural facility where animals are confined and fed or maintained for a total of forty-five days or more in a twelve-month period and crops, vegetative, forage growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Structures used for the storage of animal manure and other animal by-products from animals in the operation also are part of the animal facility. Two or more animal facilities under common ownership or management are considered to be a single animal facility if they are adjacent or utilize a common system for animal manure storage.



G. “Animal Facility Management Plan” means a plan prepared by the United States Department of Agriculture’s Natural Resources Conservation Service or a professional engineer detailing the management, handling, treatment, storage, or utilization of manure generated in an animal facility. This plan shall include facility management details and a detailed map of each manure utilization area showing all buffer zones and setbacks, a description of the land use, the crops grown on the site, the timing for application of swine manure to the land and a land use agreement if the site is not owned by the permittee.

H. “Animal manure” means animal excreta or other commonly associated organic animal manures including, but not limited to, bedding, litter, feed losses, or water mixed with the manure.

I. “Annual animal manure application rate” is the maximum amount of animal manure that can be agronomically applied to a unit area of land during any 365-day period.

J. “Annual constituent loading rate” means the maximum amount of a constituent that can be applied to a unit area of a manure utilization area during any 365-day period.

K. “Average animal live weight” means the sum of the average exit weight of the animal from the facility and the average entry weight divided by two, as shown by the following formula:

Average animal live weight = (Average Exit Weight + Average Entry Weight)/2

L. “Broker” means a person who accepts or purchases dry animal manure from agricultural facilities and transfers this product to a third party for land application.

M. “Closed facility” means an animal facility that has ceased operations (no confined animals at the facility) and is no longer in production.

N. “Commercial Facility” means an animal facility that produces animals or animal by-products for commercial sale, boards animals, rents animals, or provides a service utilizing the animals for a fee. The facility is considered commercial if the owner earned at least one thousand dollars gross farm income in at least three of the first five years.

O. “Compost” is an organic soil conditioner that has been stabilized to a humus-like product, is free of viable human and plant pathogens and plant seeds, does not attract insects or vectors, can be handled and stored without nuisance, and is beneficial to the growth of plants.



P. “Composting” is the biological decomposition and stabilization of organic substrates, under conditions that allow development of thermophilic temperatures as a result of biologically produced heat, to produce a final product that is stable, free of pathogens and plant seeds, and can be beneficially applied to land. Composting requires special conditions of moisture and aeration to produce thermophilic temperatures.

Q. “Constituent limit” is a numerical value that describes the amount of a constituent allowed per unit amount of animal manure (e. g., milligrams per kilogram of total solids); the amount of a constituent that can be applied to a unit area of land (e. g., pounds per acre); or the volume of a material that can be applied to a unit area of land (e.g., gallons per acre).

R. “Cover crop” is a small grain crop, including, but not limited to, oats, wheat, or barley; grasses; or other crop grown for agronomic use or to maintain topsoil and prevent soil erosion.

S. “Cumulative constituent loading rate” means the maximum amount of a constituent that can be applied to an area of land.

T. “Cumulative impacts” means an increase or enlarging of impact to the environment or community by the successive addition or accumulation of animal facilities in an area.

U. “CWA” means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251et seq. Specific references to sections within the CWA shall be according to Pub. L. 92-500 notation.

V. “Deemed Permitted Facility” means an agricultural animal facility that held a valid permit from the Department for their swine facility prior to July 1, 1996, or for their animal facility prior to June 26, 1998.

W. “Department” means the South Carolina Department of Health and Environmental Control.

X. “Dry manure” means manure, bedding, litter, feed losses, or composted animal material (animal manure or dead animals) that is not in a liquid form. Dry animal manure can normally be easily handled with a shovel or other similar equipment and it can be placed in piles without liquid manure or leachate drainage occurring.

Y. “Dry weight basis” means calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass (i.e., essentially 100 percent solids content).



Z. “EPA” means the United States Environmental Protection Agency.

AA. “Ephemeral stream” means a stream that flows only in direct response to rainfall or snowmelt in which discrete periods of flow persist no more than twenty-nine consecutive days per event.

BB. “Excessive Mortality” means total animal mortality in any one 24-hour period that exceeds the design capacity of the normal method of dead animal disposal.

CC. “Expansion” means an increase in the permitted number of animals or normal production live weight at the facility that will result in physical construction at the facility. For facilities with a lagoon, treatment system or manure storage pond, expansion means an increase due to construction in the maximum capacity of the existing lagoon, treatment system or manure storage pond as determined using the appropriate design standards of the United States Department of Agriculture’s Natural Resource Conservation Service. An Animal manure treatment lagoon that is converted to animal manure storage pond is considered an expansion of the facility. For facilities permitted prior to 1998, where the treatment/storage design function was not clearly specified, the Department shall review the facility’s operation records and compliance history to determine the current function and condition of the manure handling structures. If the existing structure can handle additional animals, without physical alteration, significant changes in the original function of the structure, or any significant increase in odor, the Department may allow this increase in animals without classifying the change as an expansion.

DD. “FEMA” means the Federal Emergency Management Agency.

EE. “Feed crops” are crops produced primarily for consumption by animals. These include, but are not limited to: corn, grains, and grasses.

FF. “Fiber crops” are crops including, but not limited to, flax and cotton.

GG. “Floodplain” means land adjacent to water bodies that periodically becomes temporarily inundated with water during or after rainfall events. The land inundated from a flood whose peak magnitude would be experienced on an average of once every 100 years is the 100-year floodplain. The 100-year flood has a 1% probability of occurring in one given year.

HH. “Food crops” are crops produced primarily for human consumption. These include, but are not limited to, fruits, vegetables, and tobacco.

II. “Groundwater” is water below the land surface in the saturated zone.



JJ. “Integrator” or “Integrating company” means any entity or person(s) who contracts with agricultural animal producers to grow animals to be supplied to this person(s) at the time of removal from the animal growing houses or facilities and exercises substantial operational control over an animal facility along with the owner/operator of the facility. Substantial operational control includes, but is not limited to, the following: directs the activities of persons working at the animal facility either through a contract, direct supervision, or on-site participation; owns the animals; or specifies how the animals are grown, fed, or medicated. This definition does not include independent producers that contract with other independent producers to accomplish a portion of the animal growing process under contract.

KK. “Intermittent stream” means a stream that generally has a defined natural watercourse, which does not flow year-round but flows beyond periods of rainfall or snowmelt.

LL. “Lagoon” means an impoundment used in conjunction with an animal facility, the primary function of which is to store or stabilize, or both, manure, organic wastes, wastewater, and contaminated runoff.

MM. “Land application” is the spraying or spreading of manure onto the land surface; the injection of manure below the land surface into the root zone; or the incorporation of manure into the soil so that the manure can either condition the soil or fertilize crops or vegetation grown in the soil.

NN. “Large Animal Facility” means an animal facility (excluding swine facilities) that has a capacity for more than 500,000 pounds of normal production animal live weight at any one time.

OO. “Large Swine Facility” means a swine facility with a capacity for greater than 500,000 pounds of normal production animal live weight at any one time.

PP. “Liquid manure” means manure that by its nature, or after being diluted with water, can be pumped easily and which is removed either intermittently or continuously from an animal lagoon, manure storage pond or treated effluent from other types of animal manure treatment systems.

QQ. “Manure” means the fecal and urinary excretion of livestock and poultry. This material may also contain bedding, spilled feed, water or soil. It may also include wastes not associated with livestock excreta, such as milking center washwater, contaminated milk, hair, feathers, or other debris. Manure may be described in different categories as related to solids and moisture content, such as dry manure and liquid manure.



RR. “Manure storage pond” means a structure used for impounding or storing manure, wastewater, and contaminated runoff as a component of an agricultural manure management system. Manure is stored for a specified period of time, one year or less, and then the pond is emptied. This definition does not include tanks or other similar vessels.

SS. “Manure utilization area” means land on which animal manure (including swine manure) is spread as a fertilizer and is synonymous with land application site or land application area.

TT. “mg/l” means milligrams per liter.

UU. “NRCS” is the Natural Resources Conservation Service of the United States Department of Agriculture.

VV. “NRCS-CPS” is the Natural Resources Conservation Service’s Conservation Practice Standards as given in the USDA-NRCS, SC Handbook of Conservation Practices.

WW. “Normal production animal live weight at any one time” means the maximum number of animals at the facility at any one time multiplied by the average animal live weight of those animals.

XX. “Nuisance” means a condition causing danger or annoyance to a limited number of persons or to the general public.

YY. “Pasture” is land on which animals feed directly on feed crops including, but not limited to, legumes, grasses, grain stubble, or stover.

ZZ. “Person” means any individual, public or private corporation, political subdivision, association, partnership, corporation, municipality, State or Federal agency, industry, copartnership, firm, trust, estate, any other legal entity whatsoever, or an agent or employee thereof.

AAA. “Potable water well” means any well designed and/or constructed to produce potable water for consumption by humans or animals.

BBB. “Producer” is a person who grows or confines animals; a person responsible for the manure produced at an animal facility; a person processing manure; and/or a person responsible for the land application of manure.

CCC. “Professional Engineer” or “Engineer” is a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering, all as attested by his legal registration as a professional engineer in this State.



DDD. “Range land” is open land with indigenous vegetation.

EEE. “Residence” means a permanent inhabited dwelling, any existing church, school, hospital, or any other structure which is routinely occupied by the same person or persons more than twelve hours per day or by the same person or persons under the age of eighteen for more than two hours per day, except those owned by the applicant.

FFF. “Runoff” is rainwater or other liquid that drains overland on any part of a land surface and runs off of the land surface.

GGG. “Seasonal High Water Table” is the surface between the zone of saturation and the zone of aeration, where the pore water pressure is equal to atmospheric pressure, and which exhibits the shallowest average water depth in relation to the surface during the wettest season.

HHH. “Small Animal Facility” means an animal facility (other than swine) that has a capacity for 500,000 pounds of normal production animal live weight or less at any one time.

III. “Small Swine Facility” means a swine facility with a capacity for 500,000 pounds of normal production animal live weight or less at any one time.

JJJ. “Source Water Protection Area” means an area either above and/or below ground that is the source of water for a public drinking water system via a surface water intake or a water supply well that is designated by the State for increased protection.

KKK. “State” means the State of South Carolina.

LLL. “Swine” means a domesticated animal belonging to the porcine species.

MMM. “Swine by-product” means a secondary or incidental product of swine production that may include bedding, spilled feed, water or soil, milking center washwater, contaminated milk, hair, feathers, dead swine or other debris. This definition may also refer to dead swine or swine manure compost.

NNN. “Swine facility” means an agricultural facility where swine are confined and fed or maintained for a total of forty-five days or more in a twelve-month period and crops, vegetative, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Structures used for the storage of swine manure from swine in the operation also are part of the swine facility. Two or more swine facilities under common ownership or management are considered to be a single swine facility if they are adjacent or utilize a common system for swine manure treatment and/or storage. For any new or expanding swine facility, the combined



normal production of all swine facilities owned by the producer, and of all swine facilities owned by corporations having a common majority shareholder in common with the producer, within twenty five miles of the new or expanding facility shall be used to determine the normal production of the new or expanding facility. For example, when a new facility has a proposed capacity of 300,000 pounds of normal production and the producer owns two other swine facilities within twenty-five miles of the new or expanding swine facility and the normal production of each facility is 400,000 pounds, the proposed swine facility's normal production is 1,100,000 (300,000 v 400,000 v 400,000) pounds.

OOO. "Swine manure" means swine excreta or other commonly associated organic animal manures including, but not limited to, bedding, litter, feed losses, or water mixed with the manure.

PPP. "[mu] g/l" means microgram per liter.

QQQ. "Vector" means a carrier that is capable of transmitting a pathogen from one organism to another including, but not limited to, flies and other insects, rodents, birds, and vermin.

RRR. "Wastewater" means any water which during the confinement of animals or the handling, storage, or treatment of manure, dead animals, litter, etc. comes into contact with the animals, manure, litter, spilled feed, etc. Wastewater includes, but is not limited to, wash waters, contaminated milk, and storm water (except storm water runoff from land application areas where the application of manure has been properly applied) that comes into contact with manure.

SSS. "Watershed" means a drainage area contributing to a river, lake, or stream.

TTT. "Waters of the State" means lakes, bays, sounds, ponds, impounding reservoirs, springs, artesian wells, rivers, perennial and navigable streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction. This definition does not include ephemeral or intermittent streams. This definition includes wetlands as defined in this section.

UUU. "Wetlands" means lands that have a predominance of hydric soil, are inundated or saturated by water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, and, under normal



circumstances, do support a prevalence of hydrophytic vegetation. Normal circumstances refer to the soil and hydrologic conditions that are normally present without regard to whether the vegetation has been removed. Wetlands shall be identified through the confirmation of the three wetlands criteria: hydric soil, hydrology, and hydrophytic vegetation. All three criteria shall be met for an area to be identified as wetlands. Wetlands generally include swamps, marshes, and bogs.

SC Code Regs § 61-43-100.190. Training Requirements.

A. An operator of a new or existing swine facility, lagoon, manure storage pond, or manure utilization area shall complete a training program on the operation of swine manure management created by Clemson University.

B. Operators of new and existing large swine facilities (greater than 500,000 pounds of normal production live weight) shall be required to pass a test and become certified as a part of the training program created by Clemson University. The Department may require operators with documented violations to pass a test through Clemson's program.

C. The training and/or certification shall be completed by operators of new facilities prior to startup of operations.

D. The training and/or certification shall be completed by operators of existing facilities within two years of the effective date of this regulation.

E. Training and/or certification shall be maintained as long as the facility remains in operation.

F. Failure to obtain the training and certification as provided in this Section shall be deemed a violation of this Regulation.

G. Additional Training and Certification Requirements for Large Swine Facilities with 1,000,000 pounds or greater normal production live weight.

1. The Department shall classify all manure treatment systems serving large swine facilities, giving due regard to size, types of work, character, and volume of manure to be treated, and the use and nature of the land resources receiving the manure.

2. Manure treatment systems may be classified in a group higher than indicated at the discretion of the Department by reason of the following:

a. Incorporation in the treatment system of complex features which cause the treatment system to be more difficult to operate than usual; or



- b. A waste stream that is unusually difficult to treat; or
- c. Conditions of flow; or
- d. Use of the receiving lands requiring an unusually high degree of system operation control; or
- e. Combinations of such conditions or circumstances.

3. The classifications for biological treatment systems are based on the following groups:

- a. Group I - B. All agricultural manure treatment systems which include one or more of the following units: primary settling, chlorination, sludge removal, imhoff tanks, sand filters, sludge drying beds, land spraying, grinding, screening, oxidation, and stabilization ponds.
- b. Group II - B. All agricultural manure treatment systems which include one or more of the units listed in Group I-B and, in addition, one or more of the following units: sludge digestion, aerated lagoon, and sludge thickeners.
- c. Group III - B. All agricultural manure treatment systems which include one or more of the units listed in Groups I-B and II-B and, in addition, one or more of the following: trickling filters, secondary settling, chemical treatment, vacuum filters, sludge elutriation, sludge incinerator, wet oxidation process, contact aeration, and activated sludge (either conventional, modified, or high rate processes).
- d. Group IV - B. All agricultural manure treatment systems which include one or more of the units listed in Groups I-B, II-B, and III-B and, in addition, treat manure having a raw five-day biochemical oxygen demand of five thousand pounds a day or more.

4. The classifications for physical chemical manure treatment systems are based on the following groups:

- a. Group I-P/C. All agricultural manure treatment systems which include one or more of the following units: primary settling, equalization, pH control, and oil skimming.
- b. Group II-P/C. All agricultural manure treatment systems which include one or more of the units listed in Group I-P/C and,



in addition, one or more of the following units: sludge storage, dissolved air flotation, and clarification.

c. Group III-P/C. All agricultural manure treatment systems which include one or more of the units listed in Groups I-P/C and II-P/C and, in addition, one or more of the following: oxidation/reduction reactions, cyanide destruction, metals precipitation, sludge dewatering, and air stripping.

d. Group IV-P/C. All agricultural manure treatment systems which include one or more of the units listed in Groups I-P/C, II-P/C and III-P/C and, in addition, one or more of the following: membrane technology, ion exchange, tertiary chemicals, and electrochemistry.

5. It shall be unlawful for any person or corporation to operate an agricultural manure treatment system at a large swine facility with 1,000,000 pounds or more normal production live weight unless the operator-in-charge holds a valid certificate of registration issued by the Board of Certification of Environmental Systems Operators in a grade corresponding to the classification of the agricultural manure treatment system supervised by him or her.

SC Code Regs § 61-43-200.190. Training Requirements.

A. An operator of an animal facility or manure utilization area shall attend a training program on the operation of animal manure management under the program created by Clemson University.

B. Operators of new animal facilities and large animal facilities (greater than 500,000 pounds normal production live weight) shall be required to obtain certification under the program created by Clemson University. The Department may also require existing operators with documented violations to obtain certification under Clemson's program.

C. The training and certification program shall be completed by operators of new facilities within one year of the effective date of the issued permit.

D. The training and/or certification program shall be completed by operators of existing facilities within two years of the effective date of this regulation.

E. Training and/or certification shall be maintained as long as the facility remains in operation.

F. Failure to obtain the training and/or certification as provided in this Section shall be deemed a violation of this Regulation.



SC Code Regs § 61-43-400.120. Training Requirements.

A. An operator of a manure brokering business shall be trained on the operation of animal manure management under the poultry version of the certification program created by Clemson University. The certification shall be obtained within one year of the effective date of the issued permit.

B. Failure to obtain the training and education as provided in this Section shall be deemed a violation of this Regulation and a violation of the permit.

