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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

Appellate Case No. 2017-002598

ALC Case Nos. 17-ALJ-07-0041-CC; 17-ALJ-07-0042-CC; 17-ALJ-07-0039-CC

Charles S. Blackmon and South Carolinians for  
Responsible Agricultural Practices, ..... Respondents,

v.

South Carolina Department of Health and Environmental  
Control and David Coggins Broilers, ..... Petitioners;

Charles S. Blackmon and South Carolinians for  
Responsible Agricultural Practices, ..... Respondents,

v.

South Carolina Department of Health and Environmental  
Control and Heath Coggins Broilers, ..... Petitioners;

Charles S. Blackmon and South Carolinians for  
Responsible Agricultural Practices, ..... Respondents,

v.

South Carolina Department of Health and Environmental  
Control and Jim Young Broilers, ..... Petitioners.

**PETITIONERS' JOINT MOTION  
TO DIMISS AS MOOT  
PETITIONERS' PETITION  
FOR A WRIT OF CERTIORARI**

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TO: ALL PARTIES AND TO THE SUPREME COURT:

PLEASE TAKE NOTICE that the Petitioners South Carolina Department of Health and Environmental Control (“Department”) and David Coggins Broilers, Heath Coggins Broilers and Jim Young Broilers (collectively, “Broilers”), pursuant to Rules 240(d) and 260(c) of the South Carolina Rules of Appellate Practice, hereby respectfully move the Supreme Court for an Order dismissing their Petition for Certiorari and unpublishing the decision of the Court of Appeals appealed therefrom. The basis of this motion is that South Carolina Regulation 61-122.23, which codifies the federal Concentrated Animal Feeding Operations (“CAFOs”) regulation central to this case, was amended by the Legislature to conform with the current federal regulation codified in 40 CFR Part 122.23 (Vol. 47 No. 5 S.C. Register, p. 187 (May 26, 2023)). A copy of Vol. 47 No. 5 S.C. Register, p. 187 is attached hereto as Exhibit A. With this change in the law, applicants for large CAFOs are no longer required to establish no potential to discharge in order to be exempt from permitting under the CAFOs regulation. Therefore, this appeal is now moot.

WHEREFORE, Petitioners South Carolina Department of Health and Environmental Control and Broilers move for an order from the Supreme Court dismissing this case as moot.

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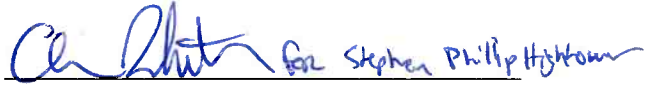
Respectfully submitted,



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Columbia, South Carolina  
August 18, 2023