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CHAPTER 18.

 EROSION AND SEDIMENT REDUCTION ACT OF 1983

**SECTION 48‑18‑10.** Short title.

This chapter may be cited as the Erosion and Sediment Reduction Act of 1983.

**SECTION 48‑18‑20.** Definitions.

As used in this chapter:

(1) “Erosion” means the wearing away of the ground surface by the action of wind, water, gravity, or any combination thereof.

(2) “Sediment” means soil or other earth‑like material that has been moved by the forces of water, wind, gravity, or any combination of them.

(3) “Sedimentation” means the process or action of depositing sediment.

(4) “Land disturbing activity” means any land change which may result in excessive erosion and sedimentation.

(5) “Stormwater” means the direct runoff of water and associated material resulting from precipitation in any form.

(6) “Local government” means any county or municipality.

(7) “Soil and water conservation district” or “conservation district” means a governmental subdivision of the State created pursuant to Chapter 9 of Title 48; and “conservation district board” means the governing body of a soil and water conservation district.

(8) “Department” means the South Carolina Department of Health and Environmental Control.

(9) “Privately owned land” means all land not owned by the State, a state agency, quasi‑state agency, subdivision of the State, or a federal governmental agency.

(10) “Quasi‑state agency” means any entity other than a state agency but having some attributes of a state agency by virtue of the fact that the State has some authority to make rules and regulations by which it is governed. For the purpose of this chapter, the South Carolina Public Service Authority is a quasi‑state agency; county and municipal governments and special purpose districts are not quasi‑state agencies.

(11) “Board” means the board of the department.

**SECTION 48‑18‑30.** Exceptions from application of chapter.

This chapter does not apply to the following:

(1) Activities regulated by the South Carolina Mining Act (Chapter 20 of Title 48).

(2) Beach erosion, which for the purpose of this chapter, means removal of soil, sand, or rock from the land adjacent to the ocean due to wave action.

**SECTION 48‑18‑40.** Duties and responsibilities of department.

The department shall implement a statewide erosion and sediment reduction and stormwater management program as follows:

(1) The department is designated as the state agency responsible for developing, coordinating, and promoting erosion and sediment reduction and stormwater management programs in the State.

(2) The department must develop general guidelines for reducing erosion and sedimentation and improving stormwater management for use by conservation districts, local government, landowners, and land users of the State. The department must publicize and promote these guidelines through information and education programs.

(3) The department must conduct surveys, investigations, and assessments of erosion, sediment, and stormwater management problems.

(4) The department must make available existing technical assistance upon request to local governments, conservation districts, landowners, and land users.

(5) The department must promulgate regulations for erosion and sediment reduction and stormwater management only on land either owned by the State, a state agency, or quasi‑state agency or land under the management or control of such an entity through right‑of‑way easements or other agreements between such entities and private landowners, and must develop regulations for this purpose pursuant to Section 48‑18‑70. The regulations shall apply to privately owned lands only where they are under the management or control of the State, a state agency, or quasi‑state agency through right‑of‑way easements or other agreements.

**SECTION 48‑18‑50.** State Advisory Council on erosion and sediment reduction; membership; duties.

(1) A state Advisory Council on Erosion and Sediment Reduction (State Advisory Council), which may include, but not be limited to, a representative of each of the following, must be appointed by the Governor upon the advice of the following agencies and organizations:

South Carolina Association of Counties

South Carolina Municipal Association

South Carolina Association of Conservation Districts

South Carolina Home Builders Association

Associated General Contractors, Inc.

South Carolina Association of Realtors

South Carolina Chapter, American Society of Landscape Architects

South Carolina Chapter, American Society of Civil Engineers

Council of Governments Executive Director’s Committee

South Carolina Farm Bureau

South Carolina State Grange

Office of the Governor

USDA‑Soil Conservation Service

Clemson University

South Carolina Department of Health and Environmental Control

South Carolina Forestry Commission

South Carolina Forestry Association

South Carolina Chapter

American Institute of Architects

(2) The department must provide staff support to the State Advisory Council.

(3) Duties of the State Advisory Council include, but are not limited to the following:

(a) Study the erosion and sediment reduction and stormwater management programs of other states and evaluate their applicability to South Carolina.

(b) Evaluate erosion, sedimentation, and stormwater conditions in the State.

(c) Recommend improvements and changes to meet the needs for erosion and sediment reduction and stormwater management in the State.

(d) Assist the department with educational programs including, but not limited to, seminars, conferences, workshops, media productions, and written publication.

(e) Compile information pertaining to sedimentation of water bodies in the State.

(f) Evaluate and recommend conservation programs and technology for reducing erosion and sedimentation and improving stormwater management.

(g) Evaluate the need for additional legislation for erosion and sediment reduction and stormwater management.

(h) Recommend appropriate recognition programs for landowners and land users implementing outstanding erosion and sediment reduction and stormwater management programs.

(i) Provide information to the department as needed.

**SECTION 48‑18‑60.** Conservation districts; duties and responsibilities.

(1) The Conservation Districts shall:

(a) Assist in the development and promotion of erosion and sediment reduction and stormwater management programs as considered necessary by the conservation district boards.

(b) Provide leadership in the promotion of erosion and sediment reduction and stormwater management within their boundaries.

(c) Coordinate and seek assistance of governmental agencies, organizations, landowners, and land users for erosion and sediment reduction and stormwater management.

(d) Conduct demonstrations on erosion and sediment reduction and stormwater management utilizing proven conservation technology.

(e) Assist in the preparation of conservation plans for erosion and sediment reduction as requested by landowners and land users.

(f) Provide available technical assistance for erosion and sediment reduction and stormwater management planning upon request by landowners and land users.

(g) Perform other duties as defined in the Conservation Districts Law (Chapter 9 of Title 48).

(2) Each conservation district must appoint an Advisory Council on Erosion and Sediment Reduction (Local Advisory Council) which may include, but not be limited to a:

(a) local homebuilder.

(b) local contractor.

(c) local realtor.

(d) municipal councilman.

(e) county planning agency representative.

(f) county councilman.

(g) conservation district commissioner.

(h) county farm bureau representative.

(i) county grange representative.

(j) USDA‑Soil Conservation Service representative.

(k) county extension service representative.

(l) State Forestry Commission representative.

(m) local civil engineer.

(n) local architect.

(o) local landscape architect.

(3) Duties of the Local Advisory Council include, but are not limited to, the following:

(a) Study the erosion and sediment reduction and stormwater management programs of other districts and evaluate their applicability to its respective district.

(b) Evaluate erosion, sedimentation, and stormwater conditions in the district.

(c) Recommend improvements and changes to meet the needs for erosion and sediment reduction and stormwater management in the district.

(d) Assist the district with educational programs, including but not limited to, seminars, conferences, workshops, media productions, and written publications.

(e) Compile information pertaining to sedimentation of water bodies in the district.

(f) Evaluate and recommend conservation programs and technology for reducing erosion and sedimentation and improving stormwater management.

(g) Evaluate the need for additional programs for erosion and sediment reduction and stormwater management.

(h) Recommend appropriate recognition programs for landowners and land users implementing outstanding erosion and sediment reduction and stormwater management programs.

(i) Provide information to the district as needed.

**SECTION 48‑18‑70.** Promulgation of regulations by department; inspection of lands; responsibilities of Department of Transportation and Forestry Commission.

(1) The department shall promulgate regulations for erosion and sediment reduction and stormwater management only on land either owned by this State, a state agency, or quasi‑state agency or land under the management or control of these entities through right‑of‑way easements or other agreements between these entities and private landowners, except that the regulations may not apply to forest land owned or managed by the South Carolina Forestry Commission. The regulations apply to privately‑owned lands only where they are under the management or control of this State, a state agency, or quasi‑state agency through right‑of‑way easements or other agreements. The regulations must include, but not be limited to, technical standards, specifications, and guidelines for erosion and sediment reduction and stormwater management, and requirements for the implementation of the standards and specifications. The department shall develop and propose for approval the regulations provided for in this subsection in consultation with the State Engineer, Division of General Services, and other state agencies as applicable. The State Engineer shall insure that the regulations are followed on all land and land disturbing activities under his jurisdiction.

(2) The department or its designated representative may inspect land owned by this State, a state agency, or quasi‑state agency or land under the management or control of these entities through right‑of‑way easements or other agreements between these entities and private landowners to determine existing erosion and sedimentation and stormwater management problems and to insure the implementation of the provisions of the regulations provided for in subsection (1) of this section.

(3) A state agency found by the department to be in noncompliance with the erosion and sediment reduction and stormwater management standards provided for in subsection (1) of this section shall take the necessary steps indicated by the standards and specifications provided for in subsection (1) of this section to correct the problems.

(4) The department in consultation with the South Carolina Department of Transportation shall promulgate regulations for erosion and sediment reduction and stormwater management on land and land disturbing activities under the jurisdiction of the department.

(5) The South Carolina Forestry Commission shall develop a plan, in consultation with the department, for erosion and sediment reduction and stormwater management on forest land owned or managed by the Forestry Commission, and shall implement the plan.

**SECTION 48‑18‑80.** Reports by conservation districts.

Each conservation district must submit to the department an annual evaluation report with input from the Local Advisory Council on the progress in erosion and sediment reduction and stormwater management in the district. The department shall submit a comprehensive report to the Governor and the General Assembly every five years.