**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑295 SO AS TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST NOT ISSUE A LICENSE OR PERMIT FOR THE OPERATION OF AN INDUSTRIAL FACILITY IF THE FACILITY IS WITHIN THREE AND ONE HALF MILES OF A RESIDENCE; TO PROVIDE THAT THE DEPARTMENT MAY ISSUE A CEASE AND DESIST ORDER AND OTHER SANCTIONS TO AN EXISTING INDUSTRIAL FACILITY WITHIN THREE AND ONE HALF MILES OF A RESIDENCE IF THE FACILITY HAS OR HAS HAD AN INCIDENT WITHIN THE PAST FIFTEEN YEARS IN WHICH THE OPERATION OF THE FACILITY OR ANY PROCESS WITHIN THE FACILITY OR IN WHICH THE RELEASE OF INDUSTRIAL WASTE OR A BY‑PRODUCT FROM THE FACILITY CAUSED OR CONTRIBUTED TO HUMAN INJURY OR DEATH.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑295. (A) Notwithstanding any other provision of law, the department must not issue a license or permit to an industrial facility if the facility is within three and one half miles of a residence if human injury or death could result from:

(1) the operation of the facility;

(2) any production process in the facility;

(3) release of industrial waste or of a by‑product from the facility; or

(4) or any combination of these.

(B)(1) The department shall issue a cease and desist order to any industrial facility in existence on this act’s effective date that is within three and one half miles from a residence and that has an incident, or that has had an incident within the last fifteen years, in which human injury or death results, or resulted, from:

(a) the operation of the facility;

(b) any production process in the facility;

(c) release of industrial waste or of a by‑product from the facility; or

(d) any combination of these.

(2) If after issuing a cease and desist order and conducting an investigation of the circumstances that caused the human injury or death, the department may, in the case of human injury, impose a civil fine or, in the case of human death, shall require the facility to be relocated three and one half miles or greater from a residence.”

SECTION 2. This act takes effect upon approval by the Governor.

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