**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4958**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hewitt, Herbkersman, Bauer, Guest, Ott, Rose, Caskey, Felder, Bernstein and Ligon

Companion/Similar bill(s): 999

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Introduced in the House on January 25, 2024

Currently residing in the House

Summary: NPDES Outlet Sign

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/25/2024 House Introduced and read first time (House Journal‑page 48)

 1/25/2024 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** (House Journal‑page 48)

 2/6/2024 House Member(s) request name added as sponsor: Ott,
 Rose, Caskey

 2/7/2024 House Member(s) request name added as sponsor: Felder,
 Bernstein

 2/28/2024 House Member(s) request name added as sponsor: Ligon

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**VERSIONS OF THIS BILL**

[01/25/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4958_20240125.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 48‑1‑91, SO AS TO REQUIRE ANY PERSON POSSESSING A NPDES PERMIT WHICH ALLOWS THE DISCHARGE OF EFFLUENT INTO STATE WATERS TO POST A SIGN, TO PROVIDE FOR THE REQUIREMENTS OF THAT SIGN, AND TO ESTABLISH CERTAIN EXEMPTIONS AND CIRCUMSTANCES TO WAIVE THE REQUIREMENTS OF THIS SECTION.

Whereas, it is in the public interest to provide for the degree of waste treatment required in public waters; and

Whereas, the public should be provided with information as to the location of permitted discharges into waters of the State; and

Whereas, to improve compliance and transparency, and to provide the public with a way to contact appropriate persons regarding questions and concerns about discharges, the Pollution Control Act is amended to add the following section. Now, therefore,

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

SECTION 1. Chapter 1, Title 48 of the S.C. Code is amended by adding:

 Section 48‑1‑91. (A) Any person possessing a NPDES permit which allows the discharge of effluent into the waters of the State shall post a conspicuous and legible sign as provided for in subsection (B), except for those sites which are exempted in subsection (C) or those sites for which the requirements of this section are waived in accordance with subsection (D).

 (B) The sign shall be attached to the outlet or posted adjacent to the outlet in such a way that the sign shall be visible from the receiving water. If the outlet is submerged, the sign shall be posted on the bank as close to the outlet as possible. The sign shall be made of materials that are durable to typical weather conditions. The sign must be at least eighteen inches square and must include the following information:

 (1) the words “Treated Wastewater” or “Cooling Water”, as appropriate;

 (2) the name of the permittee and the facility;

 (3) the permit number;

 (4) a telephone number for the permittee; and

 (5) a telephone number for reporting to the department.

 (C) The following are exempt from the requirements of this section:

 (1) discharges that are composed exclusively of stormwater; and

 (2) discharges associated with NPDES General Permits for hydroelectric generating facilities, hydrostatic test water, vehicle wash water, potable water treatment plants, and the application of pesticides.

 (D) The permittee may apply to the department for a waiver from the requirements of this section for any of the following circumstances:

 (1) the posting of the sign would be inconsistent with any other state or federal statute;

 (2) the outlet to the receiving water is located on private or governmental property, which is restricted to the public through fencing, patrolling, or other control mechanisms;

 (3) such a sign cannot reasonably be maintained;

 (4) such a sign cannot be so located as to provide a public purpose; or

 (5) the nature of the discharge is temporary and of a relatively short duration.

 (E) The sign must be posted no later than twelve months after the effective date of this act, and it must be properly maintained from that point forward.

 (F) The department shall notify all NPDES permit holders registered with the department of the requirements in this section no later than November 29, 2024.

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect on December 31, 2024.

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