



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

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| Bill Number: | H. 4834 | Introduced on January 11, 2024 |
| Author: | McCabe | |
| Subject: | Land Disturbing Exemptions from Stormwater Management and Sediment Reduction Act | |
| Requestor: | House Agriculture, Natural Resources, and Environmental Affairs | |
| RFA Analyst(s): | Griffith | |
| Impact Date: | February 2, 2024 | |

Fiscal Impact Summary

This bill exempts certain agricultural structures as related to land-disturbing activities from the stormwater management and sediment control plan requirement prior to the start of the land-disturbing activity. The Department of Health and Environmental Control (DHEC) regulates land-disturbing activities through its state regulation, R. 72-300, and through the National Pollutant Discharge Elimination System (NPDES). The bill will remove the state requirement but will still require a person constructing certain agricultural structures on agricultural land to obtain an NPDES permit. DHEC indicates that both the state and national requirements are included in one application package, and therefore, the removal of the state requirement will not change DHEC's process. Therefore, this bill is not expected to have an expenditure impact on the department or its successor, the Department of Environmental Services (DES). Additionally, the bill will have no impact on Other Funds revenue of DHEC or DES since all fees will continue to be collected under the NPDES permit.

Explanation of Fiscal Impact

Introduced on January 11, 2024

State Expenditure

This bill exempts certain agricultural structures as related to land-disturbing activities from the stormwater management and sediment control plan requirement prior to the start of the land-disturbing activity. DHEC regulates land-disturbing activities through its state regulation, R. 72-300, and through NPDES. The bill will remove the state requirement but will still require a person constructing certain agricultural structures on agricultural land to obtain an NPDES permit. DHEC indicates that both the state and national requirements are included in one application package, and therefore, the removal of the state requirement will not change DHEC's process. Therefore, this bill is not expected to have an expenditure impact on the department or its successor, DES, which will become an agency on July 1, 2024.

State Revenue

Currently, DHEC charges a review fee of \$100 per disturbed acre, not to exceed \$2,000 total, for each project it reviews. Additionally, the department charges an NPDES General Permit fee of \$125. If a local entity performs the state stormwater review portion, DHEC only charges the

\$125 NPDES General Permit fee. Because DHEC will still be required to review projects related to land-disturbing activities under the NPDES General Permit, all fees will remain unchanged. Therefore, this bill will have no impact to Other Funds revenue of DHEC or DES.

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director