

## Session 114 - (2001-2002)

### H 4155 General Bill, By Knotts and Whatley

#### *Similar (S 0690)*

**Summary:** Omnibus Environmental Penalties Act, Conservation, Natural Resources Department, Fish and Game, DHEC, Water, Sewer

A BILL TO ENACT THE "SOUTH CAROLINA OMNIBUS ENVIRONMENTAL PENALTIES ACT" INCLUDING PROVISIONS; TO AMEND SECTION 11-35-4220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEBARMENT OR SUSPENSION FROM CONSIDERATION FOR AWARD OF CONTRACTS UNDER THE PROCUREMENT CODE, SO AS TO PROVIDE THAT A CONVICTION FOR A CRIMINAL VIOLATION OF AN ENVIRONMENTAL LAW OF THIS STATE OR ANY OTHER STATE OR OF A FEDERAL ENVIRONMENTAL LAW AS A CAUSE FOR DEBARMENT OR SUSPENSION; TO AMEND SECTION 16-11-700, AS AMENDED, RELATING TO THE OFFENSE OF LITTERING, SO AS TO DISTINGUISH LITTERING FOR COMMERCIAL AND NONCOMMERCIAL PURPOSES AND TO INCREASE PENALTIES FOR CERTAIN LITTERING VIOLATIONS; TO AMEND CHAPTER 11, TITLE 16, RELATING TO THE PROTECTION OF PROPERTY, BY ADDING SECTION 16-11-705 SO AS TO PROVIDE DEFINITIONS RELATING TO AND FOR THE PURPOSE OF ENFORCING ENVIRONMENTAL LAWS, TO PROVIDE FOR ASSIMILATION OF FEDERAL ENVIRONMENTAL LAWS AS THE LAW OF THIS STATE FOR PURPOSES OF STATE ENFORCEMENT OF FEDERAL ENVIRONMENTAL LAWS IN THIS STATE, TO PROVIDE THAT A PERSON WHO NEGLIGENTLY VIOLATES ANY PROVISION OF AN ENVIRONMENTAL LAW WHOSE ACTS OR OMISSIONS DO NOT CAUSE CONTAMINATION, POLLUTION, OR HARM TO THE ENVIRONMENT OF THIS STATE IS GUILTY OF A MISDEMEANOR, TO FURTHER PROVIDE THAT IF A PERSON'S NEGLIGENT VIOLATION OF AN ENVIRONMENTAL LAW CAUSES OR CONTRIBUTES TO SERIOUS BODILY INJURY OR DEATH TO ONE OR MORE PERSONS, OR TO DOMESTIC ANIMALS, WILDLIFE, FISH, BIRDS, OR PLANTS IN THIS STATE HE IS GUILTY OF A FELONY, TO PROVIDE THAT A PERSON WHO KNOWINGLY, INTENTIONALLY, OR RECKLESSLY VIOLATES ANY PROVISION OF AN ENVIRONMENTAL LAW WHOSE ACTS OR OMISSIONS CAUSE OR CONTRIBUTE TO CONTAMINATION, POLLUTION, OR HARM TO THE ENVIRONMENT OF THIS STATE, OR CAUSES OR CONTRIBUTES TO SERIOUS BODILY INJURY, OR DEATH TO ONE OR MORE PERSONS, OR TO DOMESTIC ANIMALS, WILDLIFE, FISH, BIRDS, OR PLANTS IN THIS STATE, IS GUILTY OF A FELONY, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND CHAPTER 1, TITLE 44, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, BY ADDING SECTION 44-1-115 SO AS TO FURTHER PROVIDE FOR THE DUTIES OF THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL IN CONNECTION WITH HOLDING RESPONSIBLE PERSONS ACCOUNTABLE FOR ENVIRONMENTAL POLLUTION AND TO PROVIDE FOR INVESTIGATIONS OF PERSONS APPLYING FOR OR HOLDING PERMITS ISSUED UNDER CERTAIN ENVIRONMENTAL PROTECTION LAWS OF THIS STATE; TO AMEND CHAPTER 1, TITLE 44, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, BY ADDING SECTION 44-1-290 SO AS TO PROVIDE THAT THE DEPARTMENT MUST INVESTIGATE AND MAINTAIN A COMPLETE RECORD OF EVERY KNOWN CIVIL AND CRIMINAL VIOLATION OF AN ENVIRONMENTAL LAW IN THIS STATE AND MUST PUBLISH AN INDEX OF ALL RECORDS OF ALL CIVIL AND CRIMINAL VIOLATIONS OF ENVIRONMENTAL LAWS THAT OCCUR IN THIS STATE, AND PROVIDE THAT THE ATTORNEY GENERAL MUST FURNISH CERTAIN INFORMATION TO THE DEPARTMENT; TO AMEND SECTION 44-55-20, AS AMENDED, RELATING TO DEFINITIONS USED IN THE STATE SAFE DRINKING WATER ACT, BY AMENDING THE DEFINITION OF "PERSON" SO AS TO INCLUDE DIRECTORS, OFFICERS, AND EMPLOYEES OF LEGAL ENTITIES AND BY ADDING DEFINITIONS FOR "KNOWING" OR "KNOWINGLY", "RESPONSIBLE PARTY", AND "SERIOUS BODILY INJURY"; TO AMEND SECTION 44-55-80, AS AMENDED, RELATING TO UNLAWFUL ACTS UNDER THE STATE SAFE DRINKING WATER ACT, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO MAKE FALSE MATERIAL STATEMENTS, DESTROY, ALTER, OR CONCEAL CERTAIN RECORDS, WITHHOLD CERTAIN INFORMATION RELATING TO DANGER TO THE PUBLIC HEALTH OR SAFETY, TRANSPORT, TREAT, STORE OR DISPOSE OF CERTAIN POLLUTANTS, OR PLACE ANOTHER PERSON IN IMMINENT DANGER OR DEATH OR SERIOUS BODILY INJURY BY A VIOLATION OF THE STATE SAFE DRINKING WATER ACT; TO AMEND SECTION 44-55-90, AS AMENDED, RELATING TO PENALTIES FOR CERTAIN VIOLATIONS OF THE STATE SAFE DRINKING WATER ACT, SO AS TO REVISE THE PENALTIES, CHANGE THE CLASSIFICATION OF CERTAIN VIOLATIONS OF THE STATE SAFE DRINKING WATER ACT FROM MISDEMEANOR VIOLATIONS TO FELONY VIOLATIONS AND TO FURTHER PROVIDE FOR THE OFFENSE AND PENALTY FOR KNOWING ENDANGERMENT; TO AMEND SECTION 44-56-20, AS AMENDED, RELATING TO DEFINITIONS USED IN THE HAZARDOUS WASTE MANAGEMENT ACT, BY ADDING DEFINITIONS OF "KNOWING" AND "KNOWINGLY", "PERSON", "RESPONSIBLE PARTY", AND "SERIOUS BODILY INJURY"; TO AMEND SECTION 44-56-130, RELATING TO UNLAWFUL ACTS UNDER

THE HAZARDOUS WASTE MANAGEMENT ACT, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO FAIL TO COMPLY WITH CERTAIN COURT ORDERS, AND TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO MAKE FALSE MATERIAL STATEMENTS, DESTROY, ALTER, OR CONCEAL CERTAIN RECORDS, WITHHOLD CERTAIN INFORMATION RELATING TO DANGER TO THE PUBLIC HEALTH OR SAFETY, TRANSPORT, TREAT, STORE OR DISPOSE OF CERTAIN POLLUTANTS, OR PLACE ANOTHER PERSON IN IMMINENT DANGER OR DEATH OR SERIOUS BODILY INJURY BY A VIOLATION OF THE HAZARDOUS WASTE MANAGEMENT ACT; TO AMEND SECTION 44-56-140, RELATING TO CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS OF THE HAZARDOUS WASTE MANAGEMENT ACT, SO AS TO REVISE AND PROVIDE METHODS FOR INVOKING CIVIL PENALTIES, PROVIDE REVISED PENALTIES FOR PERSONS AND RESPONSIBLE PARTIES WHO VIOLATE MISDEMEANOR PROVISIONS OF THE ACT, PROVIDE THAT A KNOWING VIOLATION OF THE ACT THAT ENDANGERS ANOTHER IS A FELONY, AND TO PROVIDE PENALTIES FOR THE OFFENSES OF KNOWINGLY WITHHOLDING OR DESTROYING CERTAIN INFORMATION, MAKING FALSE STATEMENTS, OR ALTERING RECORDS AND FOR THE FELONY OFFENSE OF KNOWING ENDANGERMENT; TO AMEND SECTION 44-93-20, RELATING TO DEFINITIONS USED IN THE INFECTIOUS WASTE MANAGEMENT ACT, BY AMENDING THE DEFINITION OF "PERSON" SO AS TO INCLUDE DIRECTORS, OFFICERS, AND EMPLOYEES OF LEGAL ENTITIES AND BY ADDING DEFINITIONS FOR "KNOWING" OR "KNOWINGLY", "RESPONSIBLE PARTY", AND "SERIOUS BODILY INJURY"; TO AMEND SECTION 44-93-140, RELATING TO UNLAWFUL ACTS UNDER THE INFECTIOUS WASTE MANAGEMENT ACT, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO FAIL TO COMPLY WITH CERTAIN DEPARTMENTAL OR COURT ORDERS, AND TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO MAKE FALSE MATERIAL STATEMENTS, DESTROY, ALTER, OR CONCEAL CERTAIN RECORDS, WITHHOLD CERTAIN INFORMATION RELATING TO DANGER TO THE PUBLIC HEALTH OR SAFETY, TRANSPORT, TREAT, STORE OR DISPOSE OF INFECTIOUS WASTE, OR PLACE ANOTHER PERSON IN IMMINENT DANGER OR DEATH OR SERIOUS BODILY INJURY BY A VIOLATION OF THE INFECTIOUS WASTE MANAGEMENT ACT; TO AMEND SECTION 44-93-150, RELATING TO PENALTIES PERTAINING TO THE INFECTIOUS WASTE MANAGEMENT ACT, SO AS TO PROVIDE FOR CIVIL ENFORCEMENT REMEDIES, REVISE THE CRIMINAL PENALTIES, CHANGE THE CLASSIFICATION OF CERTAIN VIOLATIONS OF THE INFECTIOUS WASTE MANAGEMENT ACT FROM MISDEMEANOR VIOLATIONS TO FELONY VIOLATIONS, AND TO FURTHER PROVIDE FOR THE OFFENSE OF KNOWING ENDANGERMENT; TO AMEND SECTION 48-1-10, RELATING TO DEFINITIONS USED IN THE POLLUTION CONTROL ACT, BY AMENDING THE DEFINITION OF "PERSON" SO AS TO INCLUDE DIRECTORS, OFFICERS, AND EMPLOYEES OF LEGAL ENTITIES AND BY ADDING DEFINITIONS FOR "KNOWING" OR "KNOWINGLY", "RESPONSIBLE PARTY", AND "SERIOUS BODILY INJURY"; TO AMEND SECTION 48-1-320, RELATING TO PENALTIES PERTAINING TO THE POLLUTION CONTROL ACT, SO AS TO REVISE AND PROVIDE METHODS FOR INVOKING CIVIL PENALTIES, PROVIDE REVISED PENALTIES FOR PERSONS AND RESPONSIBLE PARTIES WHO VIOLATE MISDEMEANOR PROVISIONS OF THE ACT, PROVIDE THAT A KNOWING VIOLATION OF THE ACT THAT ENDANGERS ANOTHER IS A FELONY, AND TO PROVIDE PENALTIES FOR THE OFFENSES OF KNOWINGLY WITHHOLDING OR DESTROYING CERTAIN INFORMATION, MAKING FALSE STATEMENTS, OR ALTERING RECORDS AND FOR THE FELONY OFFENSE OF KNOWING ENDANGERMENT; TO AMEND SECTION 48-1-340, RELATING TO FALSE STATEMENTS AND REPRESENTATIONS AND TAMPERING WITH MONITORING DEVICES AND METHODS, SO AS TO DELETE CERTAIN OBSOLETE LANGUAGE AND PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO MAKE FALSE MATERIAL STATEMENTS, DESTROY, ALTER, OR CONCEAL CERTAIN RECORDS, WITHHOLD CERTAIN INFORMATION RELATING TO DANGER TO THE PUBLIC HEALTH OR SAFETY, TRANSPORT, TREAT, STORE OR DISPOSE OF INFECTIOUS WASTE, OR PLACE ANOTHER PERSON IN IMMINENT DANGER OR DEATH OR SERIOUS BODILY INJURY BY A VIOLATION OF THE POLLUTION CONTROL ACT; AND TO PROVIDE CIVIL AND CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS OF TITLES 13, 16, 44, 47, 48, AND 49 OF THE CODE.

**05/17/01 House Introduced and read first time HJ-62**

**05/17/01 House Referred to Committee on Judiciary HJ-67**