**A** **BILL**

TO AMEND CHAPTER 1, TITLE 48 OF THE 1976 CODE, RELATING TO THE POLLUTION CONTROL ACT, BY ADDING SECTION 48‑1‑95 TO PROVIDE THAT ALL SEWAGE SYSTEMS AND TREATMENT WORKS TREATING DOMESTIC SEWAGE THAT HAVE HAD THREE OR MORE SPILLS IN ANY TWELVE‑MONTH PERIOD MUST COMPLETE A COMPREHENSIVE REVIEW OF THEIR OPERATIONS, TO PROVIDE FOR THE COMPREHENSIVE REVIEW, TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN ACTION PLAN TO ADDRESS ISSUES RAISED IN THE COMPREHENSIVE REVIEW, TO PROVIDE SPENDING PRIORITIES FOR WASTEWATER UTILITIES THAT LACK FUNDS FOR IMPLEMENTING AN ACTION PLAN, TO PROVIDE THAT WASTEWATER UTILITIES THAT DEVELOP AN ACTION PLAN HAVE PRIORITY FOR STATE DIRECTED FEDERAL AND STATE FUNDS, TO PROVIDE THAT OWNER ERRORS THAT RESULT IN A SPILL MUST BE RECORDED ON THE OWNER’S LICENSE, AND TO PROVIDE NECESSARY DEFINITIONS.

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

SECTION 1. Chapter 1, Title 48 of the 1976 Code is amended by adding:

“Section 48‑1‑95. (A) For the purposes of this section:

(1) ‘Comprehensive review’ or ‘review’ means a complete technical assessment of the components and operation of a sewage system or its treatment works that are contributing to, or may be contributing to, repetitive significant spills of untreated or partially treated domestic sewage.

(2) ‘Action plan’ or ‘plan’ means a schedule for implementing and completing repairs, upgrades, and improvements needed to prevent future repetitive significant spills of untreated or partially treated domestic sewage.

(3) ‘Wastewater utility’ or ‘utility’ means the operator or owner of a sewage system or its treatment works.

(4) ‘Significant spill’ means a spill that is large enough, taking into account the volume of the spill in relation to the average volume discharged by the utility during the previous twenty‑four months, to cause a serious adverse impact on the environment or public health.

(5) ‘Spill’ means the discharge of at least five thousand gallons, or any other amount that threatens public health, of untreated or partially treated sewage from a sewage system into the environment; except those caused by a natural disaster, severe weather event, or other act of God.

(B) Upon receiving notice of a spill, the department must investigate and make a determination concerning the cause of the spill, identify the particular sewage system or treatment works facility that contributed to, or may have contributed to, the spill and the utility that owns or operates it, and whether the spill is a significant spill. The department must then determine whether any of the identified facilities have had three or more significant spills during any twelve‑month period.

(C)(1) The department must enter an order directing a wastewater utility that owns or operates a facility that contributed to, or may have contributed to, three or more significant spills in any twelve‑month period to complete a comprehensive review of the sewage system and treatment works facility identified pursuant to subsection (B). The order must be transmitted to the utility as soon as practicable.

(2) The comprehensive review must be performed by a qualified professional engineer approved by the department. All reports compiled by the engineer performing the review must be submitted to the department.

(3) The comprehensive review must be initiated by the wastewater utility’s owner within three months of receiving an order from the department.

(D) Upon completion of the review, the wastewater utility must present the findings of the review to the department. The department must, within sixty days, provide guidance to the utility concerning the development of an action plan to address the causes of the repetitive spills and system upgrades.

(E) The wastewater utility must fully implement the action plan no later than one year after the plan is completed. The utility may request additional time to implement the plan, no longer than one year, from the department. The department must approve or disapprove this request within sixty days.

(F) A wastewater utility that lacks funds necessary to complete and implement an action plan ordered by the department may only utilize available funds for the operation and maintenance of the utility and servicing any outstanding debt. The remaining funds must be dedicated to completing and implementing the plan.

(G) Utilities that have a complete action plan approved by the department have priority for any state directed federal or state funds for construction, refurbishment, upgrading, or reconstruction of water infrastructure facilities.

(H) When repetitive spills occur that meet the threshold established in subsection (B), a record of the significant spill shall be forwarded to the South Carolina Environmental Certification Board to be included in the file of the operator on duty and the operator in charge of the system at the time of the spill.”

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

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