COMMITTEE REPORT

May 14, 2009

**H. 3603**

Introduced by Reps. Gullick and M.A. Pitts

S. Printed 5/14/09--H. [SEC 5/18/09 12:28 PM]

Read the first time February 25, 2009.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3603) to amend the Code of Laws of South Carolina, 1976, by adding Section 48‑1‑65 so as to provide a person who pollutes the waters of this State, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

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

“Section 48‑1‑65. (A) Any publicly owned treatment works or privately owned treatment works treating domestic sewage which is responsible for a spill greater than one thousand gallons, as soon as practicable within twelve hours, shall give public notice of the location and extent of the spill.

(B) The board shall prescribe a procedure for this public notice, including a procedure for notification to radio, television, newspaper, and other news outlets by the permit holder, including their website, and notification by publication in a newspaper of general circulation, and other notification considered appropriate by the board including emergency notification of local media outlets, posting relevant notification information on the department’s Internet website, and provision of notice by email to a member of the public who has requested this information.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars for each day’s violation, or imprisoned not more than thirty days, or both.”

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

Renumber sections to conform.

Amend title to conform.

JEFF D. DUNCAN for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑1‑65 SO AS TO PROVIDE A PERSON WHO POLLUTES THE WATERS OF THIS STATE AS DEFINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL GIVE PUBLIC NOTICE OF THE POLLUTION IN A MANNER PRESCRIBED BY THE DEPARTMENT; TO PROVIDE THE BOARD OF THE DEPARTMENT SHALL PRESCRIBE THIS PUBLIC‑NOTICE PROCEDURE; TO PROVIDE CERTAIN SPECIFICATIONS THE BOARD MUST INCLUDE IN THIS PUBLIC‑NOTICE PROCEDURE; AND TO PROVIDE A VIOLATION IS A MISDEMEANOR SUBJECT TO A FINE, IMPRISONMENT, OR BOTH.

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 48‑1‑65. (A) A person who causes a polluted condition in the waters of this State based on his exceeding a threshold or violating a standard of water quality and purity promulgated by the department or in violation of a permit issued by the department, as soon as practicable shall give public notice of the polluted condition or violation.

(B) The board shall prescribe a procedure for this public notice, including a procedure for notification by publication in a newspaper of general circulation, and other notification considered appropriate by the board including emergency notification of local media outlets, posting relevant notification information on the department’s Internet website, and provision of notice by email to a member of the public who has requested this information.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars for each day’s violation, imprisoned not more than thirty days, or both.”

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

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