COMMITTEE REPORT

May 24, 2012

**S. 1220**

Introduced by Senators Campbell, Hayes and Ford

S. Printed 5/24/12--H.

Read the first time April 17, 2012.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (S. 1220) to amend Section 48‑2‑50, as amended, Code of Laws of South Carolina, 1976, relating to fees imposed by the Department of Health and Environmental Control, etc., respectfully

**REPORT:**

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

NELSON L. HARDWICK for Committee.

**A** **BILL**

TO AMEND SECTION 48‑2‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES IMPOSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR CERTAIN ENVIRONMENTAL PROGRAMS, INCLUDING THE SURFACE WATER WITHDRAWAL PROGRAM, WHICH ARE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND FOR ADMINISTRATION OF THESE PROGRAMS, SO AS TO ENUMERATE THE FEES FOR SURFACE WATER WITHDRAWAL APPLICATIONS AND PERMITS THAT WOULD OTHERWISE HAVE BEEN REPEALED JANUARY 1, 2013; BY ADDING SECTION 49‑4‑175 SO AS TO REIMPOSE THE FEES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY CHARGE FOR SURFACE WATER WITHDRAWAL AND APPLICATIONS AND PERMITS AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN THESE FEES TO IMPLEMENT AND OPERATE THE SURFACE WATER WITHDRAWAL PROGRAM; AND TO AMEND ACT 247 OF 2010, BY REPEALING PROVISIONS THAT PROSPECTIVELY REPEAL THE IMPOSITION OF SURFACE WATER WITHDRAWAL PERMIT FEES.

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

SECTION 1. Section 48‑2‑50(H) of the 1976 Code, as last amended by Act 247 of 2010, is further amended by adding an appropriately numbered item at the end to read:

“( ) Surface Water Withdrawals:

(a) Existing surface water withdrawal permit application processing fee $1,000;

(b) New surface water withdrawal permit application processing fee $7,500;

(c) Modification of surface water withdrawal permit application processing fee $2,000;

(d) Renewal of surface water withdrawal permit with modifications application processing fee $1,000;

(e) Surface water withdrawal annual operating fee per permitted intake $1,000.”

SECTION 2. Chapter 4, Title 49 of the 1976 Code is amended by adding:

“Section 49‑4‑175. (A) The department is authorized to collect the following surface water withdrawal program fees:

(1) existing surface water withdrawal permit application processing fee $1,000;

(2) new surface water withdrawal permit application processing fee 7,500;

(3) modification of surface water withdrawal permit application processing fee 2,000;

(4) renewal of surface water withdrawal permit with modifications application processing fee 1,000;

(5) surface water withdrawal annual operating fee per permitted intake 1,000.

(B) The department shall retain the fees collected pursuant to this section for the purposes of implementing and operating the Surface Water Permitting and Withdrawal regulatory program, including permit application review, compliance inspections, and enforcement and for technical assistance and monitoring.”

SECTION 3. Section 3C of Act 247 of 2010, which reads as stated below, is repealed:

“C. The new item added to Section 48‑2‑50 by this SECTION is repealed January 1, 2013. No new fees may be charged for Surface Water Withdrawal applications following that date without an act of the General Assembly setting the fee schedule.”

SECTION 4. This act takes effect January 1, 2013.

‑‑‑‑XX‑‑‑‑