**A** **BILL**

TO AMEND SECTION 48‑39‑130 OF THE 1976 CODE, RELATING TO PERMITS REQUIRED TO UTILIZE CRITICAL AREAS, TO EXEMPT CERTAIN DRAINAGE FACILITIES, SEWER FACILITIES, AND PUBLIC STORMWATER MANAGEMENT SYSTEMS FROM PERMITTING REQUIREMENTS IN CRITICAL AREAS, TO PROVIDE FOR AN EXEMPTION FOR NORMAL MAINTENANCE AND REPAIR OF A UTILITY OR RAILROAD, AND TO PROVIDE NECESSARY DEFINITIONS.

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

SECTION 1. Section 48‑39‑130(D) is amended by adding an appropriately number new item to read:

“( ) Normal maintenance and repair of any utility or railroad.”

SECTION 2. Section 48‑39‑130(D)(7) of the 1976 Code is amended to read:

“(7) Maintenance and repair of drainage ~~and~~ facilities, sewer facilities, and public stormwater management systems, provided that the facilities or systems were grandfathered, previously permitted, or constructed in accordance with federal or state laws ~~and normal maintenance and repair of any utility or railroad~~.”

SECTION 3. Section 48‑39‑130 of the 1976 Code is amended by adding a new subsection to read:

“(E) As used in this section:

(1) ‘Structure’ means any man‑made structure including, but not limited to, a dock, pier, walkway, utility, or public stormwater management system.

(2) ‘Maintenance and repair’ means work performed within the critical area to restore the integrity of facilities, structures, or systems, including public stormwater systems, provided that the work is limited to activities necessary for restoring the original design capacities of the facilities or structures.

(3) ‘Normal maintenance and repair’ means work performed within the critical area as part of a routine and ongoing program to maintain the integrity of the structure, provided that the structure is still generally intact and functional in its present condition and that the work only extends to the original dimensions of the structure.

(4) ‘Public stormwater management system’ means a conveyance or system of conveyances, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man‑made channels, or storm drains, owned and operated by the State or a political subdivision having jurisdiction over the conveyance and disposal of stormwater, including, but not limited to, special purpose districts such as flood control or drainage districts, or similar entities, or an Indian tribe or authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges into waters of the State.”

SECTION 4. This act takes effect upon approval by the Governor.

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