**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 49‑1‑100 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP AND IMPLEMENT AN INSPECTION PLAN TO ENSURE THAT EVERY POND, STREAM, OR SIMILAR BODY OF WATER IS MAINTAINED IN COMPLIANCE WITH ALL FEDERAL, STATE, AND LOCAL LAWS, AND TO PROVIDE A CIVIL PENALTY.

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

SECTION 1. Chapter 1, Title 49 of the 1976 Code is amended by adding:

“Section 49‑1‑100. (A) The Department of Health and Environmental Control, in coordination with the applicable political subdivisions of this State, shall develop and implement an inspection plan to ensure that every landowner that has a pond, stream, or similar body of water upon their lands is maintaining the body of water in compliance with all applicable federal, state, and local laws. The department may inspect a body of water no more than two times a year, unless the department has reason to believe additional inspection is necessary. The department may charge an inspection fee not to exceed the actual costs of performing the inspection.

(B) If the department determines the body of water does not comply with federal, state, or local law, then the department shall notify the landowner and the landowner has ten days to remedy the noncompliance. If the landowner does not remedy the noncompliance, in addition to any other penalty, the landowner must be assessed a civil penalty of fifty dollars a day until the noncompliance is remedied. The ten day period may be extended if the department determines the landowner is making appropriate and timely steps to remedy the noncompliance.

(C) Any landowner that has a pond, stream, or similar body of water upon their lands must notify the Department of Health and Environmental Control as to the existence of the body of water. The notification must be made on a form prescribed by the department.

(D) The department may promulgate regulations necessary to implement the provisions of this section.”

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

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