~~Indicates Matter Stricken~~

Indicates New Matter

INTRODUCED

May 5, 2015

**S. 578**

Introduced by Senators Hembree, Campbell and Cleary

S. Printed 5/5/15--H.

Read the first time May 5, 2015.

**A** **BILL**

TO AMEND SECTION 48‑39‑170(C) OF THE 1976 CODE, TO PROVIDE A THREE‑YEAR STATUTE OF LIMITATIONS ON THE ENFORCEMENT VIOLATIONS RELATING TO MINOR DEVELOPMENT ACTIVITIES EXCEPT IN INSTANCES WHERE THE ALLEGED VIOLATOR KNOWINGLY OR INTENTIONALLY WITHHELD INFORMATION RELATING TO THE ALLEGED VIOLATION.

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

SECTION 1. Section 48‑39‑170(C) of the 1976 Code is amended to read:

“(C) Any person who is determined to be in violation of any provision of this chapter by the department shall be liable for, and may be assessed by the department for, a civil penalty of not less than one hundred dollars nor more than one thousand dollars per day of violation. Whenever the department determines that any person is in violation of any permit, regulation, standard, or requirement under this chapter, the department may issue an order requiring such person to comply with such permit, regulation, standard, or requirement, including an order requiring restoration when deemed environmentally appropriate by the department; in addition, the department may bring a civil enforcement action under this section as well as seeking an appropriate injunctive relief under Section 48‑39‑160. The department shall be required to assert violations of any provision of this chapter relating to minor development activities within three years of the date of the violation, except if the department’s failure to assert the alleged violation resulted from a knowing or intentional attempt to withhold or conceal information relating to the alleged violation by the person(s) against whom the violation is alleged. Failure to make application for, and subsequently receive, the required permit, permit modification, or permit amendment before commencing these activities shall be deemed to be an act of concealment. The provisions of this section apply to all enforcement actions pending as of January 1, 2015, and all future enforcement actions.”

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

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