**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4557**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cobb-Hunter

Document Path: LC-0138PH25.docx

Introduced in the House on May 8, 2025

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Odor management

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 5/8/2025 House Introduced and read first time

 5/8/2025 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs**

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**VERSIONS OF THIS BILL**

[05/08/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4557_20250508.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 63 TO TITLE 48 ENTITLED “ODOR MANAGEMENT” SO AS TO DEFINE TERMS, ESTABLISH A PROCESS FOR VERIFIABLE ODOR COMPLAINTS, REQUIRE THE BUREAU CHIEF OF THE BUREAU OF AIR QUALITY OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO INVESTIGATE COMPLAINTS IF CERTAIN CONDITIONS ARE MET, TO REQUIRE A FACILITY OWNER TO DEVELOP AND SUBMIT AN ODOR MANAGEMENT PLAN, WHEN REQUIRED, AND TO PROVIDE EXEMPTIONS AND PENALTIES.

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

SECTION 1. Title 48 of the S.C. Code is amended by adding:

CHAPTER 63

Odor Management

 Section 48‑63‑10. For purposes of this chapter:

 (1) “Bureau” means the Bureau of Air Quality of the Department of Environmental Services.

 (2) “Objectionable odor” means pollution of the ambient air beyond the property line of a facility consisting of an odor that, considering its characteristics, intensity, frequency, and duration:

 (a) is, or can reasonably be expected to be, injurious to public health or welfare; or

 (b) unreasonably interferes with the enjoyment of life or the use of property of persons exposed to the odor.

 (3) “Odor complaint” means a notification received and recorded by the bureau or by a political subdivision, including a school district, from an identifiable person that describes the nature, duration, and location of the odor.

 Section 48‑63‑20. No person may cause or allow emission into the ambient air of any substance or combination of substances in quantities that produce an objectionable odor beyond the property line of the facility that is the source of the odor.

 Section 48‑63‑30. (A) The bureau must conduct a site investigation of any facility against which five or more verifiable odor complaints have been submitted to the bureau or to local government officials within forty‑eight hours. The investigation must include:

 (1) an interview with the owner or operator of the facility against which the complaint was made;

 (2) a physical examination of the facilities, equipment, operations, conditions, methods, storage areas for material inputs, chemicals and waste, and any other factors that may contribute to or are designed to mitigate the emission of odors; and

 (3) testing at locations identified in the odor complaints and at other locations beyond the property line of the facility that is the source of the odor using a precision instrument capable of measuring odors in ambient air.

 (B) The bureau chief, based upon the bureau’s site investigation and the results of odor testing and considering the nature, intensity, frequency, and duration of the odor and other relevant factors, must determine whether the odor emitted from the facility constitutes an objectionable odor. In making the determination, the bureau chief may consider the opinions of a random sample of persons exposed to samples of the odor taken from ambient air beyond the property line of the facility that is the source of the odor.

 (C) The bureau must notify officials in local jurisdictions:

 (1) of odor complaints filed with the bureau regarding properties within the local jurisdiction;

 (2) of any investigation of an odor complaint conducted by the bureau at a facility within the local jurisdiction and the results of the investigation;

 (3) that odor complaints filed with respect to properties located within those jurisdictions must be forwarded to the bureau within three business days of being filed; and

 (4) of any additional actions taken by the bureau with respect to the complaints.

 Section 48‑63‑40. (A) If the bureau chief determines pursuant to Section 48‑63‑30(B) that the odor emitted from a facility is an objectionable odor, the bureau chief must require the owner of the facility to develop and submit to the bureau for review within ninety days an odor management plan designed to mitigate odor emissions. The bureau must provide technical assistance to the facility owner in development of a management plan including:

 (1) identifying odor control technology and equipment that may reduce odor emissions; and

 (2) identifying alternative methods of operation or alternative materials that may reduce odor emissions.

 (B) The bureau may grant an extension for submission of the odor management plan for up to an additional ninety days for good cause.

 (C) An odor management plan must contain, at a minimum, for each odor source contributing to odor emissions:

 (1) a description of plant operations and materials that generate odors;

 (2) proposed changes in equipment, operations, or materials that are designed to mitigate odor emissions;

 (3) the estimated effectiveness of the plan in reducing odor emissions;

 (4) the estimated cost of implementing the plan; and

 (5) a schedule of plan implementation activities.

 (D) The commissioner may accept, reject, or modify an odor management plan submitted under this section.

 (E) If the bureau chief, based upon the same factors considered in Section 48‑63‑30(B), determines that implementation of the odor management plan has failed to reduce the facility’s odor emissions to a level where they are no longer objectionable odors, the bureau chief must order the facility owner to revise the odor management plan within ninety days of receipt of the bureau chief’s order. If the revised odor management plan is not acceptable to the bureau chief or is implemented but fails to reduce the facility’s odor emissions to a level where they are no longer objectionable odors, the bureau chief may impose penalties of up to fifteen thousand dollars per day of violation or may modify or revoke the facility’s permit to operate.

 Section 48‑63‑50. This chapter does not apply to:

 (1) on‑farm animal and agricultural operations;

 (2) motor vehicles and transportation facilities;

 (3) municipal wastewater treatment plants;

 (4) single‑family dwellings not used for commercial purposes;

 (5) materials odorized for safety purposes;

 (6) painting and coating operations that are not required to be licensed;

 (7) restaurants;

 (8) temporary activities and operations; and

 (9) refineries.

 Section 48‑63‑60. The Bureau of Air Quality of the Department of Environmental Services may promulgate regulations to implement this chapter. These regulations must include:

 (1) an odor standard or standards for air pollution that may qualify as an objectionable odor under Section 48‑63‑10(2)(b);

 (2) a process for determining if an odor is objectionable;

 (3) a process for investigating and addressing odor complaints;

 (4) guidance for developing odor management plans; and

 (5) procedures and criteria for determining the success or failure of an odor management plan.

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

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