

Session 117 - (2007-2008)

S 0375 General Bill, By Peeler, Matthews, McGill, Hayes and Alexander

Summary: DHEC

A BILL TO AMEND CHAPTER 1, TITLE 48 OF THE 1976 CODE, RELATING TO THE POLLUTION CONTROL ACT, BY ADDING SECTION 48-1-55, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY SEEK RECOVERY OF A PENALTY OR DAMAGES FROM A STATE AGENCY THAT VIOLATES STATE OR FEDERAL ENVIRONMENTAL LAWS OR REGULATIONS, TO PROVIDE THAT THE DEPARTMENT AND THE STATE AGENCY ALLEGED TO HAVE VIOLATED A STATE OR FEDERAL LAW OR REGULATION MUST REACH A SETTLEMENT OR COMPROMISE WITHIN ONE HUNDRED EIGHTY DAYS OF THE ISSUANCE OF A CITATION FOR THE VIOLATION, TO PROVIDE THAT FROM THE DATE THE CITATION IS ISSUED, DURING SETTLEMENT OR COMPROMISE NEGOTIATIONS, AND DURING THE PENDENCY OF A HEARING TO RESOLVE THE MATTER, THE DEPARTMENT MAY NOT CONTACT THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY REGARDING ENFORCEMENT OF THE ALLEGEDLY VIOLATED LAW OR REGULATION, TO PROVIDE THAT THE AGENCY MUST REQUEST A HEARING BY THE ADMINISTRATIVE LAW COURT IF THE DEPARTMENT AND THE AGENCY CANNOT REACH A SETTLEMENT OR COMPROMISE, TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT HAS EXCLUSIVE JURISDICTION OVER THE MATTER AND THAT ITS DECISION IS NOT APPEALABLE, TO PROVIDE FOR REMEDIES IF THE AGENCY FAILS TO TIMELY FILE A REQUEST FOR HEARING OR REJECTS AN OFFER TO SETTLE OR COMPROMISE THAT IS AT LEAST AS FAVORABLE AS THE REJECTED OFFER, AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST ANNUALLY SUBMIT A REPORT TO THE GENERAL ASSEMBLY CONCERNING PENALTIES OR DAMAGES PAID TO THE DEPARTMENT BY STATE AGENCIES.

01/31/07 Senate Introduced and read first time SJ-15

01/31/07 Senate Referred to Committee on Medical Affairs SJ-15