

## Session 115 - (2003-2004)

### S 0120 General Bill, By Knotts

#### Summary: Omnibus Environmental Penalties Act

A BILL TO ENACT THE "SOUTH CAROLINA OMNIBUS ENVIRONMENTAL PENALTIES ACT" INCLUDING PROVISIONS TO AMEND SECTION 11-35-4220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEBARMENT OR SUSPENSION FROM CONSIDERATION FOR AWARD OF CONTRACTS UNDER THE PROCUREMENT CODE, SO AS TO PROVIDE THAT A CONVICTION FOR A CRIMINAL VIOLATION OF AN ENVIRONMENTAL LAW IS CAUSE FOR DEBARMENT OR SUSPENSION; TO AMEND SECTION 16-11-700, AS AMENDED, RELATING TO THE OFFENSE OF LITTERING, SO AS TO DISTINGUISH LITTERING FOR COMMERCIAL AND NONCOMMERCIAL PURPOSES AND TO INCREASE PENALTIES FOR CERTAIN VIOLATIONS; TO AMEND CHAPTER 11, TITLE 16 BY ADDING SECTION 16-11-705 SO AS TO PROVIDE THAT VIOLATION OF A FEDERAL ENVIRONMENTAL LAW IS ALSO A VIOLATION OF A LIKE OFFENSE IN THIS STATE AND TO PROVIDE EXCEPTIONS AND PENALTIES; TO AMEND CHAPTER 1, TITLE 44, BY ADDING SECTION 44-1-115 SO AS TO FURTHER PROVIDE FOR THE DUTIES OF THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL IN CONNECTION WITH HOLDING RESPONSIBLE PERSONS ACCOUNTABLE FOR ENVIRONMENTAL POLLUTION AND TO PROVIDE FOR INVESTIGATIONS OF PERSONS APPLYING FOR OR HOLDING PERMITS ISSUED UNDER CERTAIN ENVIRONMENTAL PROTECTION LAWS OF THIS STATE; TO AMEND CHAPTER 1, TITLE 44, BY ADDING SECTION 44-1-290 SO AS TO REQUIRE THE DEPARTMENT SHALL INVESTIGATE AND MAINTAIN A COMPLETE RECORD OF CIVIL AND CRIMINAL ENVIRONMENTAL LAW VIOLATIONS AND SHALL PUBLISH AN INDEX OF THESE VIOLATIONS AND TO REQUIRE THE ATTORNEY GENERAL TO FURNISH CERTAIN INFORMATION TO THE DEPARTMENT; TO AMEND SECTION 44-55-20, RELATING TO DEFINITIONS USED IN THE SAFE DRINKING WATER ACT, BY REVISING THE DEFINITION OF "PERSON" AND BY ADDING DEFINITIONS FOR "KNOWING" OR "KNOWINGLY", "RESPONSIBLE PARTY", AND "SERIOUS BODILY INJURY"; TO AMEND SECTIONS 44-55-80 AND 44-55-90, RELATING TO UNLAWFUL ACTS AND PENALTIES UNDER THE SAFE DRINKING WATER ACT, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO MAKE FALSE MATERIAL STATEMENTS, TO DESTROY, ALTER, OR CONCEAL CERTAIN RECORDS, TO WITHHOLD CERTAIN INFORMATION RELATING TO DANGER TO THE PUBLIC HEALTH OR SAFETY, TO TRANSPORT, TREAT, STORE, OR DISPOSE OF CERTAIN POLLUTANTS, OR TO PLACE ANOTHER PERSON IN IMMINENT DANGER OR DEATH OR SERIOUS BODILY INJURY BY A VIOLATION OF THE ACT AND TO REVISE THE PENALTIES, CHANGE THE CLASSIFICATION OF CERTAIN VIOLATIONS FROM MISDEMEANOR TO FELONY VIOLATIONS AND TO ESTABLISH THE OFFENSE OF KNOWING ENDANGERMENT; TO AMEND SECTION 44-56-20, RELATING TO DEFINITIONS USED IN THE HAZARDOUS WASTE MANAGEMENT ACT, BY ADDING DEFINITIONS OF "KNOWING" AND "KNOWINGLY", "PERSON", "RESPONSIBLE PARTY", AND "SERIOUS BODILY INJURY"; TO AMEND SECTIONS 44-56-130 AND 44-56-140 RELATING TO UNLAWFUL ACTS TO AND PENALTIES UNDER THE HAZARDOUS WASTE MANAGEMENT ACT, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO MAKE FALSE MATERIAL STATEMENTS, TO DESTROY, ALTER, OR CONCEAL CERTAIN RECORDS, TO WITHHOLD CERTAIN INFORMATION RELATING TO DANGER TO THE PUBLIC HEALTH OR SAFETY, TO TRANSPORT, TREAT, STORE, OR DISPOSE OF CERTAIN POLLUTANTS, OR TO PLACE ANOTHER PERSON IN IMMINENT DANGER OR DEATH OR SERIOUS BODILY INJURY BY A VIOLATION OF THE ACT AND TO REVISE METHODS FOR INVOKING CIVIL PENALTIES, TO REVISE PENALTIES FOR MISDEMEANOR VIOLATIONS, TO PROVIDE THAT CERTAIN KNOWING VIOLATIONS OF THE ACT ARE A FELONY, AND TO PROVIDE PENALTIES FOR NEW OFFENSES ESTABLISHED; TO AMEND SECTION 44-93-20, RELATING TO DEFINITIONS USED IN THE INFECTIOUS WASTE MANAGEMENT ACT, BY AMENDING THE DEFINITION OF "PERSON" AND BY ADDING DEFINITIONS FOR "KNOWING" OR "KNOWINGLY", "RESPONSIBLE PARTY", AND "SERIOUS BODILY INJURY"; TO AMEND SECTIONS 44-93-140 AND 44-93-150 RELATING TO UNLAWFUL ACTS AND TO PENALTIES UNDER THE INFECTIOUS WASTE MANAGEMENT ACT, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO MAKE FALSE MATERIAL STATEMENTS, TO DESTROY, ALTER, OR CONCEAL CERTAIN RECORDS, TO WITHHOLD CERTAIN INFORMATION RELATING TO DANGER TO THE PUBLIC HEALTH OR SAFETY, TO TRANSPORT, TREAT, STORE, OR DISPOSE OF INFECTIOUS WASTE, OR TO PLACE ANOTHER PERSON IN IMMINENT DANGER OR DEATH OR SERIOUS BODILY INJURY BY A VIOLATION OF THE ACT; AND TO PROVIDE FOR CIVIL ENFORCEMENT REMEDIES, REVISE THE CRIMINAL PENALTIES, CHANGE THE CLASSIFICATION OF CERTAIN VIOLATIONS FROM MISDEMEANOR TO FELONY VIOLATIONS, AND TO PROVIDE PENALTIES FOR THE OFFENSE OF KNOWING ENDANGERMENT; TO AMEND SECTION 48-1-10, RELATING TO DEFINITIONS USED IN THE POLLUTION CONTROL ACT, BY AMENDING THE DEFINITION OF "PERSON" AND BY ADDING DEFINITIONS FOR "KNOWING" OR "KNOWINGLY", "RESPONSIBLE PARTY", AND "SERIOUS BODILY INJURY"; TO AMEND SECTION 48-1-320, AS AMENDED, RELATING TO PENALTIES

PERTAINING TO THE POLLUTION CONTROL ACT, SO AS TO REVISE METHODS FOR INVOKING CIVIL PENALTIES, TO REVISE PENALTIES FOR MISDEMEANOR VIOLATIONS, TO PROVIDE THAT A KNOWING VIOLATION OF THE ACT THAT ENDANGERS ANOTHER IS A FELONY, AND TO PROVIDE PENALTIES FOR THE OFFENSES OF KNOWINGLY WITHHOLDING OR DESTROYING CERTAIN INFORMATION, MAKING FALSE STATEMENTS, OR ALTERING RECORDS AND FOR THE FELONY OFFENSE OF KNOWING ENDANGERMENT; AND TO AMEND SECTION 48-1-340, RELATING TO FALSE STATEMENTS AND REPRESENTATIONS AND TO TAMPERING WITH MONITORING DEVICES AND METHODS, SO AS TO DELETE CERTAIN OBSOLETE LANGUAGE AND PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO MAKE FALSE MATERIAL STATEMENTS, TO DESTROY, ALTER, OR CONCEAL CERTAIN RECORDS, TO WITHHOLD CERTAIN INFORMATION RELATING TO DANGER TO THE PUBLIC HEALTH OR SAFETY, TO TRANSPORT, TREAT, STORE, OR DISPOSE OF INFECTIOUS WASTE, OR TO PLACE ANOTHER PERSON IN IMMINENT DANGER OR DEATH OR SERIOUS BODILY INJURY BY A VIOLATION OF THE POLLUTION CONTROL ACT.

**12/18/02 Senate Prefiled**

**12/18/02 Senate Referred to Committee on Judiciary**

**01/14/03 Senate Introduced and read first time SJ-66**

**01/14/03 Senate Referred to Committee on Judiciary SJ-66**