**South Carolina General Assembly**

119th Session, 2011-2012

**A109, R116, H3617**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pitts, R.L. Brown, Allen, Bales, Brady, Knight, Ballentine, McLeod, Willis, Toole, Sellers and Whipper

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Introduced in the House on February 8, 2011

Introduced in the Senate on May 3, 2011

Last Amended on June 1, 2011

Passed by the General Assembly on January 18, 2012

Governor's Action: February 1, 2012, Signed

Summary: Sewage system

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/8/2011 House Introduced and read first time ([House Journal‑page 51](file:///h%3A%5Chj%20archive%5C2011%5C02-08-11.docx))

 2/8/2011 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 51](file:///h%3A%5Chj%20archive%5C2011%5C02-08-11.docx))

 2/9/2011 House Member(s) request name added as sponsor: R.L.Brown, Allen

 2/15/2011 House Member(s) request name added as sponsor: Bales, Brady

 2/16/2011 House Member(s) request name added as sponsor: Knight, Ballentine

 2/17/2011 House Member(s) request name added as sponsor: McLeod

 2/24/2011 House Member(s) request name added as sponsor: Willis

 3/14/2011 House Member(s) request name added as sponsor: Toole

 4/12/2011 House Member(s) request name added as sponsor: Sellers

 4/13/2011 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 8](file:///h%3A%5Chj%20archive%5C2011%5C04-13-11.docx))

 4/19/2011 Scrivener's error corrected

 4/26/2011 House Requests for debate‑Rep(s). Norman, Quinn, Atwater, Long, Crosby, Brannon, Parker, Allison, Forrester, Jefferson, Whipper, Bikas, Taylor, and Bedingfield ([House Journal‑page 77](file:///h%3A%5Chj%20archive%5C2011%5C04-26-11.docx))

 4/27/2011 House Member(s) request name added as sponsor: Whipper

 4/27/2011 House Requests for debate removed‑Rep(s). Forrester and Whipper ([House Journal‑page 20](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/27/2011 House Requests for debate removed‑Rep(s). Allison, Parker, Long, Atwater, Bikas, Crosby, and Quinn ([House Journal‑page 66](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/27/2011 House Requests for debate removed‑Rep(s). Taylor, Bedingfield, Jefferson, and Brannon ([House Journal‑page 72](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/27/2011 House Amended ([House Journal‑page 72](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/27/2011 House Read second time ([House Journal‑page 72](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/27/2011 House Roll call Yeas‑108 Nays‑0 ([House Journal‑page 72](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/28/2011 House Read third time and sent to Senate ([House Journal‑page 16](file:///h%3A%5Chj%20archive%5C2011%5C04-28-11.docx))

 4/28/2011 Scrivener's error corrected

 5/3/2011 Senate Introduced and read first time ([Senate Journal‑page 23](file:///h%3A%5Csj%20archive%5C2011%5C05-03-11.docx))

 5/3/2011 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 23](file:///h%3A%5Csj%20archive%5C2011%5C05-03-11.docx))

 5/24/2011 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 21](file:///h%3A%5Csj%20archive%5C2011%5C05-24-11.docx))

 6/1/2011 Senate Committee Amendment Adopted ([Senate Journal‑page 58](file:///h%3A%5Csj%20archive%5C2011%5C06-01-11.docx))

 6/1/2011 Senate Read second time ([Senate Journal‑page 58](file:///h%3A%5Csj%20archive%5C2011%5C06-01-11.docx))

 6/1/2011 Senate Roll call Ayes‑37 Nays‑2 ([Senate Journal‑page 58](file:///h%3A%5Csj%20archive%5C2011%5C06-01-11.docx))

 1/11/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 12](file:///h%3A%5Csj%20archive%5C2012%5C01-11-12.docx))

 1/18/2012 House Roll call Yeas‑100 Nays‑0 ([House Journal‑page 18](file:///h%3A%5Chj%20archive%5C2012%5C01-18-12.docx))

 1/18/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 18](file:///h%3A%5Chj%20archive%5C2012%5C01-18-12.docx))

 1/26/2012 Ratified R 116

 2/1/2012 Signed By Governor

 2/8/2012 Effective date 02/01/12

 2/10/2012 Act No. 109

**VERSIONS OF THIS BILL**

[2/8/2011](file:///p%3A%5Cpprever%5C2011-12%5C3617_20110208.docx)

[4/13/2011](file:///p%3A%5Cpprever%5C2011-12%5C3617_20110413.docx)

[4/19/2011](file:///p%3A%5Cpprever%5C2011-12%5C3617_20110419.docx)

[4/27/2011](file:///p%3A%5Cpprever%5C2011-12%5C3617_20110427.docx)

[4/28/2011](file:///p%3A%5Cpprever%5C2011-12%5C3617_20110428.docx)

[5/24/2011](file:///p%3A%5Cpprever%5C2011-12%5C3617_20110524.docx)

[6/1/2011](file:///p%3A%5Cpprever%5C2011-12%5C3617_20110601.docx)

(A109, R116, H3617)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑1‑95 SO AS TO PROVIDE THAT A WASTEWATER UTILITY MUST NOTIFY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WITHIN TWENTY-FOUR HOURS OF A SIGNIFICANT SPILL; TO PROVIDE THAT IF A UTILITY HAS HAD MORE THAN TWO SIGNIFICANT SPILLS PER ONE HUNDRED MILES OF ITS SEWAGE COLLECTION SYSTEM WITHIN THE YEAR UP TO AND INCLUDING THE DATE OF THIS SIGNIFICANT SPILL, THE DEPARTMENT SHALL ORDER THE UTILITY TO COMPLETE A COMPREHENSIVE REVIEW OF ITS SYSTEM OR IF THE UTILITY HAS A CAPACITY, MANAGEMENT, OPERATIONS, AND MAINTENANCE PLAN, TO ORDER THE UTILITY TO UPDATE THIS PLAN; AND TO REQUIRE THE UTILITY TO PROVIDE PUBLIC NOTICE OF A SIGNIFICANT SPILL.**

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

**Wastewater utilities, procedures for significant spills**

SECTION 1. Chapter 1, Title 48 of the 1976 Code is amended by adding:

 “Section 48‑1‑95. (A) As used in this section:

 (1) ‘Action plan’ or ‘plan’ means a schedule for implementing and completing repairs, upgrades, and improvements needed to minimize future repetitive significant spills of untreated or partially treated domestic sewage.

 (2) ‘Capacity, Management, Operation, and Maintenance or ‘CMOM’ plan’ means a comprehensive, dynamic framework for wastewater utilities to identify and incorporate widely accepted wastewater industry practices to:

 (a) better manage, operate, and maintain collection systems;

 (b) investigate capacity constrained areas of the collection system; and

 (c) respond to sanitary sewer overflow events.

 (3) ‘Comprehensive review’ or ‘review’ means a complete technical assessment of the components and operation of a sewage system or its treatment works that are contributing to, or may be contributing to, repetitive significant spills of untreated or partially treated domestic sewage.

 (4) ‘Department’ means the Department of Health and Environmental Control.

 (5) ‘Significant spill’ means a net discharge from a wastewater utility of at least five thousand gallons of untreated or partially treated domestic sewage that could cause a serious adverse impact on the environment or public health. ‘Significant spill’ does not include spills caused by a natural disaster, direct act of a third party, or other act of God.

 (6) ‘Wastewater utility’ or ‘utility’ means the operator or owner of a sewage collection system or its treatment works providing sewer service to the public. ‘Wastewater utility’ does not include manufacturers, electric utilities, agricultural operations, and wastewater treatment systems located on property owned by the federal government.

 (B) Utilities must verbally notify the department of any significant spill within twenty‑four hours and by written submission within five days.

 (C) Upon receiving notice of a significant spill from a wastewater utility, the department must determine whether the responsible wastewater utility has had more than two significant spills per one hundred miles of its sewage collection system, in the aggregate and excluding private service laterals, during the twelve‑month period up to and including the date of the significant spill.

 (D)(1) If the wastewater utility has had more than two significant spills per one hundred miles of its aggregate collection system miles during a twelve‑month period, the department shall issue an order directing the utility to complete a comprehensive review of the sewage system and treatment works facility identified pursuant to subsection (C), or if the wastewater utility has a Capacity, Management, Operations, and Maintenance plan in place directing the utility to update this plan, the order must include, but is not limited to:

 (a) the submission of the findings of the comprehensive review or CMOM update; and

 (b) the required implementation of any plans to minimize the recurrence of such significant spills.

 (2) The comprehensive review, pursuant to item (1), must be performed by a licensed South Carolina professional engineer.

 (3) Unless the department’s order is being appealed, the comprehensive review or CMOM update must be initiated by the wastewater utility’s owner within two months of receiving an order from the department or, in the case of an appeal, within two months from the date the order becomes final and nonappealable.

 (E) The department shall require that all wastewater utilities provide public notice of any significant spill of five thousand gallons or more within twenty‑four hours of the discovery. Where the responsible wastewater utility does not provide this notice, in addition to any enforcement response, the department shall provide public notice of the significant spill.

 (F) Nothing in this section contravenes the department’s ability to undertake enforcement action under the Pollution Control Act, Chapter 1, Title 48, or any other state or federal law.”

**Time effective**

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

Ratified the 26th day of January, 2012.

Approved the 1st day of February, 2012.

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