**South Carolina General Assembly**

121st Session, 2015-2016

**A37, R64, H3646**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Burns, Southard, Loftis, Ott and Dillard

Document Path: l:\council\bills\nbd\11061cz15.docx

Companion/Similar bill(s): 3538

Introduced in the House on February 12, 2015

Introduced in the Senate on February 26, 2015

Last Amended on May 12, 2015

Passed by the General Assembly on May 19, 2015

Governor's Action: June 1, 2015, Signed

Summary: Soil-based on-site disposal systems

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/12/2015 House Introduced and read first time ([House Journal‑page 21](file:///h%3A%5CHJ%20Archive%5C2015%5C02-12-15.docx))

 2/12/2015 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 21](file:///h%3A%5CHJ%20Archive%5C2015%5C02-12-15.docx))

 2/19/2015 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 2](file:///h%3A%5CHJ%20Archive%5C2015%5C02-19-15.docx))

 2/20/2015 Scrivener's error corrected

 2/24/2015 House Read second time ([House Journal‑page 25](file:///h%3A%5CHJ%20Archive%5C2015%5C02-24-15.docx))

 2/24/2015 House Roll call Yeas‑96 Nays‑0 ([House Journal‑page 26](file:///h%3A%5CHJ%20Archive%5C2015%5C02-24-15.docx))

 2/25/2015 House Read third time and sent to Senate ([House Journal‑page 24](file:///h%3A%5CHJ%20Archive%5C2015%5C02-25-15.docx))

 2/26/2015 Senate Introduced and read first time ([Senate Journal‑page 3](file:///h%3A%5CSJ%20Archive%5C2015%5C02-26-15.docx))

 2/26/2015 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 3](file:///h%3A%5CSJ%20Archive%5C2015%5C02-26-15.docx))

 5/4/2015 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 15](file:///h%3A%5CSJ%20Archive%5C2015%5C05-04-15.docx))

 5/12/2015 Senate Committee Amendment Adopted ([Senate Journal‑page 51](file:///h%3A%5CSJ%20Archive%5C2015%5C05-12-15.docx))

 5/12/2015 Senate Read second time ([Senate Journal‑page 51](file:///h%3A%5CSJ%20Archive%5C2015%5C05-12-15.docx))

 5/12/2015 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 51](file:///h%3A%5CSJ%20Archive%5C2015%5C05-12-15.docx))

 5/13/2015 Senate Read third time and returned to House with amendments ([Senate Journal‑page 22](file:///h%3A%5CSJ%20Archive%5C2015%5C05-13-15.docx))

 5/19/2015 House Concurred in Senate amendment and enrolled ([House Journal‑page 90](file:///h%3A%5CHJ%20Archive%5C2015%5C05-19-15.docx))

 5/19/2015 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 90](file:///h%3A%5CHJ%20Archive%5C2015%5C05-19-15.docx))

 5/28/2015 Ratified R 64

 6/1/2015 Signed By Governor

 6/4/2015 Effective date See Act for Effective Date

 6/5/2015 Act No. 37

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**VERSIONS OF THIS BILL**

[2/12/2015](file:///p%3A%5Cpprever%5C2015-16%5C3646_20150212.docx)

[2/19/2015](file:///p%3A%5Cpprever%5C2015-16%5C3646_20150219.docx)

[2/20/2015](file:///p%3A%5Cpprever%5C2015-16%5C3646_20150220.docx)

[5/4/2015](file:///p%3A%5Cpprever%5C2015-16%5C3646_20150504.docx)

[5/12/2015](file:///%5C%5Cnetapp%5CCommon_spc%5Cpprever%5C2015-16%5C3646_20150512.docx)

(A37, R64, H3646)

**AN ACT TO AMEND SECTION 44‑55‑1310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING PASSIVE SOIL‑BASED ON‑SITE DISPOSAL SYSTEMS, SO AS TO ALLOW FOR NONGRAVITY‑BASED SOIL‑BASED ON‑SITE DISPOSAL SYSTEMS; TO AMEND SECTION 44‑55‑1320, RELATING TO WASTEWATER COLLECTION, TREATMENT, AND DISCHARGE, SO AS TO AUTHORIZE SINGLE OR MULTIPLE DWELLING UNITS TO USE A COMMUNITY OR COMMERCIAL PASSIVE SOIL‑BASED ON‑SITE DISPOSAL SYSTEM; TO AMEND SECTION 44‑55‑1330, RELATING TO SYSTEM INSTALLATION REQUIREMENTS, SO AS TO REMOVE CERTAIN REQUIREMENTS AND TO REQUIRE AN INSTALLER OF A PASSIVE SOIL‑BASED ON‑SITE DISPOSAL SYSTEM TO BE CERTIFIED BY THE MANUFACTURER OR A REPRESENTATIVE AUTHORIZED TO ADMINISTER THE LICENSED INSTALLER CERTIFICATION, AND TO SET DESIGNATIONS FOR THE TRENCH BOTTOM OF A DISPOSAL SYSTEM; TO AMEND SECTION 44‑55‑1350, RELATING TO TILE FIELD PRODUCT REGULATIONS, SO AS TO ADD THE REQUIREMENTS OF SECTION 44‑55‑1310 TO REGULATIONS PROMULGATED OVER PASSIVE SOIL‑BASED ON‑SITE DISPOSAL SYSTEMS; AND TO REPEAL SECTION 44‑55‑1340 RELATING TO FINANCIAL ASSURANCE****.**

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

**Definitions**

SECTION 1. Section 44‑55‑1310(1) of the 1976 Code, as added by Act 49 of 2003, is amended to read:

 “(1) ‘Passive soil‑based on‑site disposal system’ means a nongravel, nonmechanical, soil absorption trench used to collect, treat, and discharge, or reclaim wastewater or sewage from a small on‑site wastewater system generating less than fifteen hundred gallons per day, large on‑site wastewater system generating equal to or greater than fifteen hundred gallons per day, or community, cluster, or commercial wastewater system, served by either gravity or pump distribution, without the use of communitywide sewers or a centralized treatment facility.”

**Systems authorized**

SECTION 2. Section 44‑55‑1320 of the 1976 Code, as added by Act 49 of 2003, is amended to read:

 “Section 44‑55‑1320. A passive soil‑based on‑site disposal system is authorized for use for collecting, treating, discharging, or reclaiming wastewater or sewage from a small on‑site wastewater system generating less than fifteen hundred gallons per day, large on‑site wastewater system generating equal to or greater than fifteen hundred gallons per day, or community, cluster, or commercial wastewater system, if the systems comply with the requirements of this chapter and with ordinances a county or municipality establishes consistent with this chapter.”

**Installation requirements**

SECTION 3. Section 44‑55‑1330 of the 1976 Code, as added by Act 49 of 2003, is amended to read:

 “Section 44‑55‑1330. (A) A passive soil‑based on‑site disposal system must be installed only by installation technicians who are licensed by the department under Regulation 61‑56.1 as an installer and certified by the manufacturer or a representative that has been duly authorized to administer licensed installer certification.

 (B) A passive soil‑based on‑site disposal system must be sized and installed according to these minimum standards:

 (1) The storage capacity of the system must be at least that available in a conventional gravel system below the invert. A manufacturer shall provide its product’s storage capacity as determined by a recognized third party testing company.

 (2) The total trench bottom area of the passive soil‑based on‑site disposal system, measured as the area bounded by the trench width and length must be at least seventy‑five percent of that required for a conventional gravel system. The system must not be less than three hundred square feet, measured as the area bounded by the trench width and length, for soils in all classifications. In addition to the above requirement, the system must provide an unobstructed open bottom area equal to at least one‑half the total bottom area of a conventional gravel system. The system must have a projected product width that fills the trench width within two inches. The system also must have a reserve area at least equal to fifty percent of the size of the installed system.

 (3) The absorption area must comply with all other appropriate separation distances, trench location, trench depth, and contour orientation as prescribed in Regulation 61‑56. The permitting procedure for these systems will be the same as conventional systems to include site evaluation and final inspection.

 (4) The entire absorption area must be shown on a set of ‘as built’ diagrams prepared by the department at the time of final inspection to include information identifying the name of the installer, the name of the product manufacturer, and the type or model number of the installed product.

 (5) Lateral trench runs must be as long as practical within the limits of the approved site so as to minimize the linear loading rate. Wastewater may be distributed to a lateral trench run either by gravity flow or by pump.”

**Regulation requirements**

SECTION 4. Section 44‑55‑1350 of the 1976 Code, as added by Act 49 of 2003, is amended to read:

 “Section 44‑55‑1350. The department shall promulgate regulations regarding alternative tile field products to include passive soil‑based on‑site disposal systems in accordance with the following:

 (1) Regulations must conform to the requirements of Sections 44‑55‑1310, 44‑55‑1320 and 44‑55‑1330. When the department submits the proposed regulations to the General Assembly for approval pursuant to the Administrative Procedures Act, in addition to the information which must be filed pursuant to Section 1‑23‑120, the department shall include an explanation for each change proposed from the requirements of Sections 44‑55‑1310, 44‑55‑1320 and 44‑55‑1330.

 (2) When the regulations promulgated by the department are approved by the General Assembly and become effective by publication in the State Register, the provisions of Sections 44‑55‑1310, 44‑55‑1320 and 44‑55‑1330 are repealed and no longer have the force and effect of law.”

**Repeal**

SECTION 5. Section 44‑55‑1340 is repealed.

**Time effective**

SECTION 6. Except as otherwise provided for in SECTION 4, this act takes effect upon approval by the Governor.

Ratified the 28th day of May, 2015.

Approved the 1st day of June, 2015.

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