COMMITTEE AMENDMENT ADOPTED

April 20, 2021

**S. 596**

Introduced by Senators Senn, Campsen, McElveen and Leatherman

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Read the first time February 23, 2021.

**A** **BILL**

TO AMEND CHAPTER 1, TITLE 48 OF THE 1976 CODE, RELATING TO THE POLLUTION CONTROL ACT, BY ADDING SECTION 48-1-92, TO PROVIDE FOR THE REGULATION OF PRE-PRODUCTION PLASTIC BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Amend Title To Conform

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

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

“Section 48‑1‑92. (A) The department is to regulate stormwater discharges of pre~~‑~~production plastic at facilities that are not regulated based on the existing criteria of the National Pollutant Discharge Elimination System Stormwater Program. Pursuant to the program:

(1) pre‑production plastics are those products, to include pellets, powders, and flakes, that are utilized in the production of plastic products;

(2) post‑production plastics are those products created by activities including the melting, shaping, and molding of pre‑production plastics;

(3) the department shall promulgate regulations to add an additional category of industrial activity so that the operators of facilities that are primarily engaged in the transportation, transloading, packaging, wholesale, or storing of pre~~‑~~production plastics are subject to regulation by the program. The operators of facilities that transport, transload, package, wholesale, or store post‑production plastics shall not be included; and

(4) pre‑production plastic shall be classified as ‘other refuse’ for the purposes of the Water Classifications and Standards.

(B) The department shall promulgate regulations to implement best practice requirements for facilities that are brought under regulation pursuant to this section, including:

(1) the installation of containment systems at all storm drain discharge locations at a facility that are down‑gradient of an area where pre‑production plastic is handled;

(2) measures to contain pre-production plastic during the storage, handling, or transfer of the pre-production plastic, including the use of:

(a) sealed containers that will not rupture under typical loading or unloading activities;

(b) capture devices under all transfer valves and devices used in loading, unloading, or otherwise transferring pre-production plastic; and

(c) vacuums or vacuum‑type systems for the quick cleanup of fugitive pre-production plastic; and

(3) new best management practices reflecting updates in science and technology, or advances in detection and treatment technologies, as appropriate.

(C) The department may promulgate regulations necessary to implement the program and to provide additional requirements regarding the regulation of releases of pre‑production plastic from facilities into the waters or onto the land of this State.

(D) A facility that violates a provision of this section shall:

(1) for a first violation during a five‑year period, be subject to the department’s enforcement procedures outlined in its Uniform Enforcement Policy;

(2) for a second violation during a five‑year period, be assessed at least fifty percent of the maximum allowable penalty pursuant to Section 48‑1‑330; and

(3) for a third violation during a five‑year period, be fined up to one hundred thousand dollars and have its permit revoked for five years.”

SECTION 2. The Department of Health and Environmental Control shall implement the program pursuant to Section 48-1-92, as added by this act, no later than January 1, 2022.

SECTION 3. This act takes effect upon approval by the Governor.

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