

## **H.4654 -- Pollution Control Act Revisions**

**H.4654** addresses the **APPLICATION OF THE POLLUTION CONTROL ACT** which regulates the discharge of sewage, industrial waste, and other pollutants through permitting programs at the Department of Health and Environmental Control. The legislation responds to a recent South Carolina Supreme Court ruling as it relates to who has standing to file a lawsuit under South Carolina's Pollution Control Act and whether the act addresses waters, such as Carolina Bays and other isolated wetlands, for which DHEC has no permitting program. The legislation specifies that no private cause of action is created by or exists under the Pollution Control Act. The legislation provides that Pollution Control Act permit requirements do not apply to: (1) discharges in a quantity below applicable threshold permitting requirements established by the department; (2) discharges for which the department has no regulatory permitting program; (3) discharges exempted by the department from permitting requirements; or (4) normal farming, silviculture, aquaculture, ranching, and wildlife habitat management activities that are not prohibited by or otherwise subject to regulation. The legislation specifies that these limitations on permitting requirements must not be construed to impair or affect common law rights, repeal prohibitions or requirements of other statutory law or common law, or diminish the department's authority to abate public nuisances or hazards to public health or the environment, to abate pollution as defined in the Pollution Control Act, or to respond to accidental discharges or spills. A procedure is established for filing written petitions with DHEC for a declaratory ruling on the applicability of a specific, existing regulatory program to a proposed or existing discharge into the environment. The legislation authorizes DHEC to issue emergency orders to protect the public health or property from unpermitted discharges and provides that relief from departmental decisions is to be sought through hearings in the Administrative Law Court. The legislation also creates the "Isolated Wetlands and Carolina Bays Task Force" to review, study, and make recommendations concerning issues related to isolated wetlands and Carolina Bays in South Carolina. The legislation provides for the composition of the task force and requires it to issue a report before terminating.