

## **Environmental Quality Control Civil Penalty Authorities**

Please note unless otherwise specified, all monies collected under these authorities go to the General Fund.

### **Bureau of Land and Waste Management**

#### **Hazardous Waste Management Act**

§44-56-10 et seq.– It is unlawful to manage hazardous waste in the State without complying with the procedures described in the regulations.

§44-56-140 – Any person who violates any provision of §44-56-130 shall be liable for a civil penalty not to exceed twenty-five thousand dollars per day of violation.

#### **Infectious Waste Management Act**

§44-93-140 Following the promulgation of the regulations required pursuant to Section 44-93-30, it is unlawful for a person to fail to comply with this chapter or with a procedure or requirement set forth in the regulations.

§44-93-150(B) A person who violates a provision of Section 44-93-140 is liable for a civil penalty not to exceed ten thousand dollars a day of violation.

#### **State Underground Petroleum Environmental Response Bank Act (SUPERB Act)**

§44-2-140(B) Any person who violates any provision of this chapter, any regulation promulgated hereunder, or any order of the department issued under subsection (A) is subject to a civil penalty not to exceed ten thousand dollars for each tank for each day of violation. (Per §44-2-40 (B), any monies collected under this chapter must be credited to the SUPERB account.)

#### **Solid Waste Policy and Management Act of 1991**

§ 44-96-450(A) Whenever the department finds that a person is in violation of a permit, regulation, standard, or requirement under this article, the department may issue an order requiring the person to comply with the permit, regulation, standard, or requirement, or the department may bring civil action for injunctive relief in the appropriate court, or the department may request that the Attorney General bring civil or criminal enforcement action under this section. The department also may impose reasonable civil penalties established by regulation, not to exceed ten thousand dollars for each day of violation, for violations of the provision of this article, including any order, permit, regulation, or standard.

#### **South Carolina Radioactive Waste Transportation and Disposal Act**

§13-7-180.A. Notwithstanding any other provision of law, any person violating the provisions of this article, except as provided below for radiological violations, shall be assessed a civil penalty of up to one thousand dollars for each such violation; provided, that should the Department determine that a series of such violations has occurred the Department shall suspend or revoke such person's permit for any time period determined to be proper, such period to be in the discretion of the Department but in

any event not to exceed twelve months. In the case of a radiological violation, defined as any radiation level in excess of limits set forth in all applicable laws, rules and regulations, any shipper or carrier shall be assessed a civil penalty of not less than one thousand nor more than five thousand dollars, in the discretion of the Department, and such person, if a shipper, shall lose his permit for not less than thirty days and until such further time as the shipper demonstrates to the Department's satisfaction that adequate measures have been taken to insure that such violations will not reoccur.

### **South Carolina Mining Act**

§48-20-220

Whenever an explorer engages in exploration without obtaining a certificate of exploration, or whenever an operator conducts mining without a valid operating permit or conducts mining outside of the permitted land or does not comply with the approved reclamation plan and schedule following termination of mining, the explorer or operator may be subject to a civil penalty assessed by the department of not more than one thousand dollars for each offense.

### **South Carolina Pollution Control Act**

§48-1-330

Any person violating any of the provisions of this chapter or any rule or regulation, permit or permit condition, final determination or order of the Department, shall be subject to a civil penalty not to exceed ten thousand dollars per day for such violation. (Per §48-1-350, ½ of the penalty goes back to the county where the violation occurred and the remaining ½ goes to the General Fund).

## **Bureau of Air Quality**

### **South Carolina Pollution Control Act**

§48-1-110(d) –

States that it is unlawful for any person to operate in violation of the conditions of the permit to construct or the permit to discharge.

§48-1-90(a) –

Requires that any source of organic or inorganic discharge of a pollutant into the environment must comply with the emission discharge rate specified in its Department-issued permit.

§48-1-330 –

States any person violating any of the provisions of this chapter, or any rule or regulation, permit or permit condition, final determination or order of the Department, shall be subject to a civil penalty not to exceed ten thousand dollars per day of such violation. (Per §48-1-350, ½ of the penalty goes back to the county where the violation occurred and the remaining ½ goes to the General Fund).

### **South Carolina Asbestos Abatement License**

§ 44-87-50

States a person violating a provision of this chapter may be assessed a civil penalty by the department in an amount not exceeding ten thousand dollars for each violation.

## **Bureau of Water**

### **South Carolina Pollution Control Act**

- §48-1-110(d) – States that it is unlawful for any person to operate in violation of the conditions of the permit to construct or the permit to discharge.
- §48-1-90(a) – Requires that any source of organic or inorganic discharge of a pollutant into the environment must comply with the emission discharge rate specified in its Department-issued permit.
- §48-1-330 – States any person violating any of the provisions of this chapter, or any rule or regulation, permit or permit condition, final determination or order of the Department, shall be subject to a civil penalty not to exceed ten thousand dollars per day of such violation. (Per §48-1-350, ½ of the penalty goes back to the county where the violation occurred and the remaining ½ goes to the General Fund.)

### **State Safe Drinking Water Act**

- §44-55-90(A) (A) Any person willfully violating the provisions of Section 44-55-80 is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars a day per violation or imprisoned for not more than one year, or both.
- §44-55-90 (B)(1) A violation of Section 44-55-80 by a person renders the violator liable to the State for a civil penalty of not more than five thousand dollars a day per violation.
- §44-55-90(B)(2) The department may administer penalties as otherwise provided for violations of this article, including any order, permit, regulation, or standard or may request the Attorney General to commence an action under this subsection in an appropriate court of the State to secure this penalty.

### **Public Swimming Pools**

- §44-55-2370(A) Whenever the department finds that a person is in violation of a permit, regulation, standard, or requirement under this article, the department, after written notice of violation, may issue an order requiring the person to comply with the permit, regulation, standard, or requirement or may request the Attorney General to commence an action under this subsection in the appropriate court. The department also may assess civil penalties as provided in this section for violations of the provisions of this article, including any order, permit, regulation, or standard.
- §44-55-2370 (B) A person who fails to take appropriate corrective action after receiving written notice of the violation of a provision of Section 44-55-2360 is liable for a civil penalty not to exceed five hundred dollars a day for the

first violation; one thousand dollars a day for the second violation; and three thousand dollars a day for the third or subsequent violations which occur during the same year. (Per §44-55-2370 (B), fifty percent of the penalties collected must be retained and used in the implementation of the recreational waters program, thirty percent must be forwarded to the county in which the violations occur, and twenty percent must be forwarded to the state's general fund.)