



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0298 Introduced on January 24, 2017
Author: Campbell
Subject: Pollution Control Act Filing Procedures
Requestor: Senate Medical Affairs
RFA Analyst(s): Stein and Gardner
Impact Date: March 8, 2017

Estimate of Fiscal Impact

	FY 2017-18	FY 2018-19
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds. The bill clarifies language in the Pollution Control Act regarding the filing of legal action against alleged violators.

Explanation of Fiscal Impact

State Expenditure

This bill clarifies that, on or after June 6, 2012, the South Carolina Pollution Control Act (act) does not create rights allowing a private party to bring a lawsuit or administrative action based on a violation of the act, except as provided in Section 48-1-90(A)(4). Section 48-1-90(A)(4) allows a person to petition the Department of Health and Environmental Control (DHEC) for a declaratory ruling as to the applicability of a specific, existing regulatory program to an emission or proposed emission into the environment. The bill clarifies further that a person aggrieved by DHEC’s declaratory ruling may not obtain judicial review if review of the decision could have been obtained pursuant to Section 48-1-90(A)(4) but was not. The bill also provides departments, agencies, boards, commissions, and political subdivisions of the state are not required to petition DHEC before undertaking an action for violation of the Pollution Control Act.

Department of Health and Environmental Control. The bill does not require additional activity or resources from the department. Therefore, the bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

Judicial Department. The department reports that as this bill represents a clarification of existing practice, it is anticipated that this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

Administrative Law Court. The agency indicates that this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds. The bill clarifies who must first petition the Department of Health and Environmental Control before attempting to file a lawsuit under the Pollution Control Act.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director