



Regulation 61-107.2

SWM: Full Cost Disclosure

Effective Date April 23, 1993

Division of Mining & Solid Waste Management

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PREAMBLE

The South Carolina Solid Waste Policy and Management Act (Act), Section 44-96-10 et seq., S.C. Code of Laws, 1976, as amended, requires the Department to promulgate regulations establishing standards for local governments who provide solid waste management services to submit to the Department and to publish in a newspaper of general circulation, an annual report on their cost to provide solid waste services in their city or county. In 1993, to satisfy the requirements of the Act, the Department promulgated R.61-107.2 SWM: Full Cost Disclosure.

Regulation History

Promulgated pursuant to 1976 S.C. Code Section 44-96-10 et seq. as amended and originally published in S.C. State Register 17-4, effective April 23, 1993.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code
Section 44-96-90 (1991)

R.61-107.2. Solid Waste Management: Full Cost Disclosure.

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A. Applicability.

This section applies to all local governments which provide solid waste management services.

B. Definitions.

1. "Collection" means the act of picking up solid waste material from homes, businesses, governmental agencies, institutions, or industrial sites.

2. "Composting Facility" means any facility used to provide aerobic thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material.

3. "County Solid Waste Management Plan" means a solid waste management plan prepared, approved, and submitted by a single county pursuant to Section 44-96-80 of the South Carolina Solid Waste Policy and Management Act of 1991.

4. "Department" means the South Carolina Department of Health and Environmental Control.

5. "Depreciation" means the decrease in value of property through wear, deterioration, or a decrease in usefulness (obsolescence).

6. "Facility" means all contiguous land, structures, other appurtenances and improvements on the land used for treating, storing, and/or disposing of solid waste. A facility may consist of several treatment, storage, and/or disposal operational units, including, but not limited to, one or more landfills, surface impoundments, or combination thereof.

7. "Full Cost Accounting" The use of an accounting system that isolates, and then consolidates for reporting purposes, the direct and indirect costs that relate to the operation of a solid waste management system.

8. "Incineration" means the use of controlled flame combustion to thermally break down solid, liquid, or gaseous combustible waste, producing residue that contains little or no combustible material.

9. "Industrial Waste" means solid waste that results from industrial processes including but not limited to, factories and treatment plants.

10. "Landfill" means a disposal facility or part of a facility where solid waste is placed in or on land,

and which is not a land treatment facility, a surface impoundment, or an injection well.

11. "Local Government" means a county, any municipality located wholly or partly within the county, and any other political subdivision located wholly or partly within the county when such political subdivision provides solid waste management services.

12. "Materials Recovery Facility" means a solid waste management facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

13. "Municipal Solid Waste Landfill" means any sanitary landfill or landfill unit, publicly or privately owned, that receives household waste. The landfill may also receive other types of solid waste, such as commercial waste, nonhazardous sludge, and industrial solid waste.

14. "Per Capita" means per unit of population or per person.

15. "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

16. "Region" means a group of counties in South Carolina which is planning to or has prepared, approved, and submitted a Regional Solid Waste Management Plan to the Department pursuant to Section 44-96-80 of the South Carolina Solid Waste Policy and Management Plan of 1991.

17. "Regional Solid Waste Management Plan" means a solid waste management plan prepared, approved, and submitted by a group of counties in South Carolina pursuant to Section 44-96-80 of the South Carolina Solid Waste Policy and Management Act of 1991.

18. "Service Area" means the area in which the local government provides, directly or by contract, solid waste management services.

19. "Solid Waste" means any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered material, or solid or dissolved materials subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1964, as amended. Also excluded from this definition are application of fertilizer and animal manure during normal agricultural operations, or refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.

20. "Solid Waste Disposal Facility" means any solid waste management facility or part of a facility at which solid waste is intentionally placed into or on any land or water and at which waste will remain after closure.

21. "Solid Waste Management Services" means all activities that are involved with trash and other waste collection, transportation, recycling and processing, and disposal.

22. "State Solid Waste Management Plan" means the plan which the Department of Health and Environmental Control is required to submit to the General Assembly and to the Governor pursuant to Section

44-96-80 of the South Carolina Solid Waste Policy and Management Act of 1991.

C. Full Cost Disclosure Regulations.

1. Not later than one (1) year after the effective date of this regulation and annually thereafter, each local government shall determine its full cost for its solid waste management services within its service area for the previous fiscal year.

2. Each local government shall publish annually, on or before October 1 of the following year, a notice in a newspaper of general circulation in its service area setting forth the full cost and the cost to residential and nonresidential users, on an average or individual basis, of its solid waste management services within its service area for the previous fiscal year. In calculating the costs, local governments must include costs charged to them by persons with whom they contract for solid waste management services.

3. Each local government shall provide to the Solid Waste Management Division of the Department by October 15, a copy of the public notice of solid waste management cost as it appeared in the newspaper of general circulation as required by Section 2. In addition, the local government shall provide to the Department by October 15, completed copies of Forms one (1) and two (2), "Solid Waste Management Services Total Cost Report", and Solid Waste Management Services Full Cost Accounting Summary of Costs Report", respectively, provided as the attachment to this regulation.

4. For local governments which provide collection, recycling and composting, transfer station services, or other waste management services, without providing final disposal facilities, 'full cost' shall, at a minimum, include an itemized accounting of:

a. the cost of equipment, including, but not limited to, trucks, containers, compactors, parts, labor, maintenance, depreciation, insurance, fuel and oil, and lubricants for equipment maintenance;

b. the cost of overhead, including, but not limited to, supervision, payroll, land, office and building costs, personnel and administrative costs of running the waste management program, and support costs from other departments, government agencies, and outside consultants or firms;

c. the costs of employee fringe benefits, including, but not limited to, social security, worker's compensation, pension, and health insurance payments; and,

d. disposal costs and laboratory and testing costs.

5. For local governments which provide disposal services, 'full costs' shall include, at a minimum, an itemized accounting of:

a. the cost of land, disposal site preparation, permits and licenses, scales, buildings, site maintenance and improvements;

b. the costs of equipment, including operation and maintenance costs such as parts, depreciation, insurance, fuel and oil, and lubricants;

c. the costs of labor and overhead, including, but not limited to, supervision, payroll office and building costs, personnel and administrative costs of running the solid waste management program, and support costs from, and studies provided by, other departments, government agencies, and outside consultants or firms;

d. the costs of employee social security, workers compensation, pension and health insurance payments; and,

e. disposal costs, leachate collection and treatment costs, site monitoring costs, including, but not limited to, sampling, laboratory and testing costs, environmental compliance inspections, closure and post-closure expenditures, and escrow, if required.

6. A person operating under an agreement to collect or dispose of solid waste within the service area of a local government or region shall assist and cooperate with the local government or region to make the calculations or to establish a system to provide the information required under this section. However, contracts entered into prior May 27, 1991, are exempt from the provisions of this regulation.