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Compliance Assistance for Implementation of New Regulation 61-107.19 Solid Waste Management: Solid Waste Landfills and Structural Fill
Extract from SCDHEC Letter, June 5, 2008

Information for Class Three Landfills

Upon publication in the State Register on May 23, 2008, **Regulation 61-107.19 Solid Waste Management: Solid Waste Landfills and Structural Fill** became effective. This new regulation addresses all solid waste landfills and structural fill activity in the State and repeals four existing regulations (R. 61-107.11, R. 61-107.13, R. 61-107.16, and R. 61-107.258) governing these landfills. The new regulation improves solid waste management in four key ways:

1. Directs disposal based on characteristics of waste instead of source of generation;
2. Provides better protection of the environment and public health;
3. Facilitates public notification and input for permits; and,
4. Requires registration of all structural fill activities.

Under the new regulation, the Department will convert all existing landfills to the appropriate landfill classification as an **administrative modification to the permit**. The Department intends to issue modified permits for Class Three Landfills (formerly Municipal Solid Waste Landfills or Industrial Solid Waste Class II and III landfills), after the Special Waste Analysis and Implementation Plan (SWAIP) and cost estimates are approved. In the interim, all existing landfills operating on the effective date of the regulation (May 23, 2008) shall comply with all requirements of the new regulation, except location criteria. Future expansions of existing facilities and most pending expansions will be required to meet location criteria.

In order to facilitate the transition, existing landfills are required by the new regulation to submit to the Department within 180 days of the effective date (**November 19, 2008**), either a letter directly from the permittee stating that the landfill meets all requirements or a plan that will bring the landfill into full compliance with new regulatory requirements within 18 months of the effective date (**by November 19, 2009**). The Department, as a courtesy to facility owner/operators, is communicating this information in hope of avoiding compliance problems as we transition to the new requirements.

As a Class Three Landfill, the following is required to become fully compliant with Regulation 61-107.19:

1. All existing landfills shall submit a new or updated SWAIP for approval by **November 19, 2008**, to Mr. Marty Lindler, SCDHEC, Bureau of Land and Waste Management, Division of Compliance and Enforcement, 2600 Bull Street, Columbia, SC 29201-1708 (Regulation 61-107.19 Part I. C. 4. and Part V. Subpart C. 258.20).
2. Existing non-governmental industrial on-site landfills that do not have financial assurance shall submit a cost estimate for closure and post-closure to the Department for approval to Mr. Marty Lindler, SCDHEC, Bureau of Land and Waste Management, Division of Compliance and Enforcement, 2600 Bull Street, Columbia, SC 29201-1708 for approval by **November 19, 2008**. The cost estimate should be based upon the approved closure/post-closure plan under the current permit (Regulation 61-107.19. Part I. E. and Part V. Subpart F.)
3. Within ninety (90) days of the Department's approval letter for the cost estimate, the landfill shall obtain and submit a financial assurance mechanism to Mr. Pete Stevens, SCDHEC, Bureau of Land and Waste Management, Division of Mining and Solid Waste Management, 2600 Bull Street, Columbia, SC 29201-1708 (Regulation 61-107.19. Part I. E).
4. All existing landfills shall use the new Appendix IV list of constituents for groundwater detection monitoring for the first monitoring event in 2009 (Regulation 61-107.19. Part V. Subpart E. 258.54. a).

If you have any questions please contact one of the following:

Solid Waste Permitting questions – call Ms. Joan Litton at (803) 896-4264 or Ms. Juli Blalock at (803) 896-4213.

Solid Waste Groundwater questions – call Mr. Keith Collinsworth at (803) 896-4040.

Solid Waste Compliance questions – call Mr. Marty Lindler at (803) 896-4205 or Mr. Rob McDaniel at (803) 896-4206

SWAIP questions – call Mr. Rob McDaniel at (803) 896-4206 or Mr. Steve Burdick at (803) 896-4120

Financial Assurance questions – call Mr. Pete Stevens at (803) 896-4149