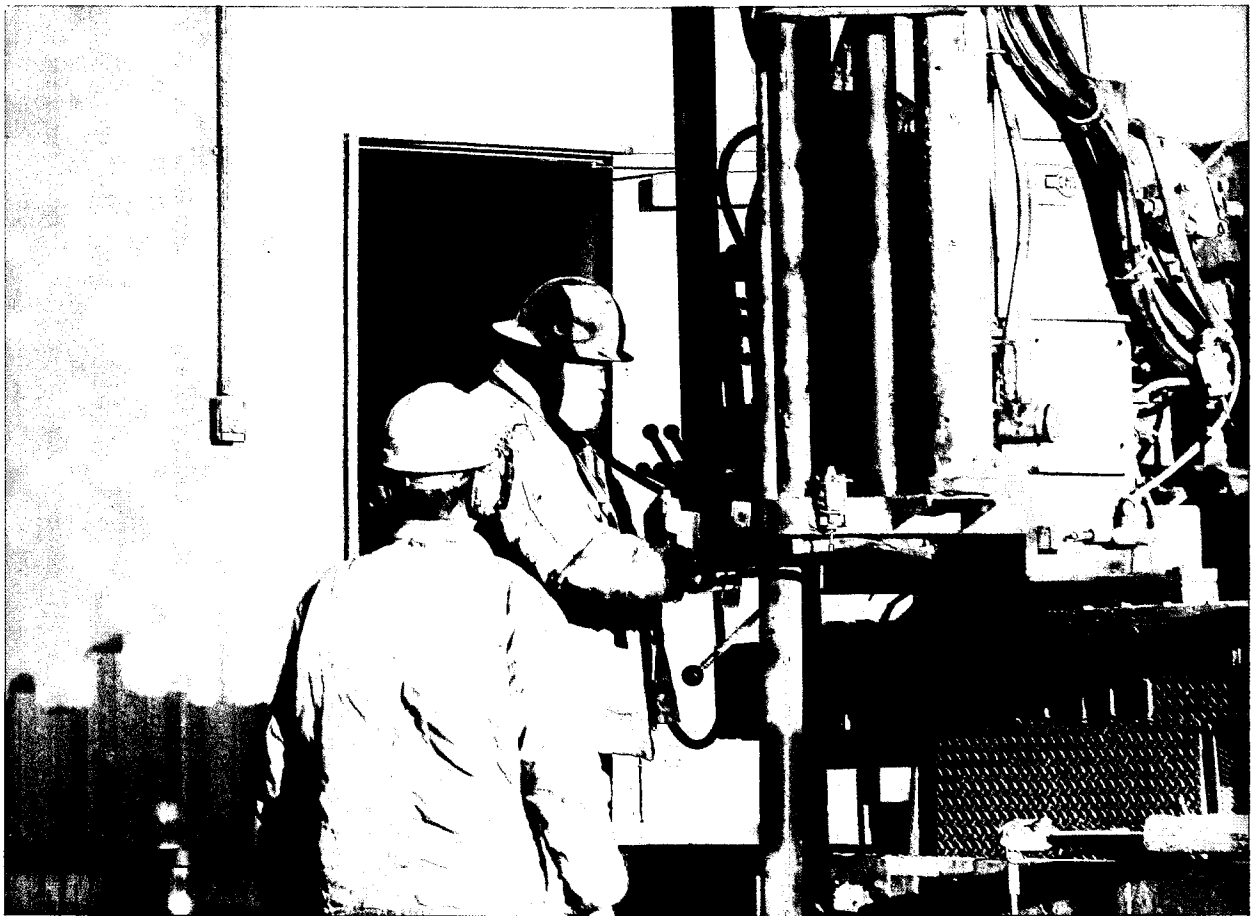


SOUTH CAROLINA
HAZARDOUS WASTE CONTINGENCY FUND

ANNUAL REPORT

Fiscal Year 2006: July 1, 2005 through June 30, 2006



South Carolina Department of Health
and Environmental Control

**SITE ASSESSMENT &
REMEDIATION DIVISION
OF THE
BUREAU OF LAND & WASTE
MANAGEMENT**

**SOUTH CAROLINA DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL**



**BUREAU OF LAND AND WASTE MANAGEMENT
DIVISION OF SITE ASSESSMENT AND REMEDIATION**

**ANNUAL REPORT
FISCAL YEAR ENDING JUNE 30, 2006**

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Introduction

This Annual Report is submitted to the South Carolina General Assembly as required by S.C. Code Ann. Section 44-56-180(b) of the South Carolina Hazardous Waste Management Act ("HWMA"). Section 44-56-180(b) mandates that the South Carolina Department of Health & Environmental Control ("DHEC" or the "Department") annually report on the activities and response actions that have been carried out under the auspices of the Hazardous Waste Contingency Fund ("HWCF" or "State Superfund"). DHEC's State Remediation Section further publishes this report to provide outreach and education to a wide variety of audiences, including other elected officials, financial and real estate communities, businesses, consultants, local governments, redevelopment authorities, and the general public.

This report focuses on sites across South Carolina that have known or perceived environmental contamination. During FY06, the staff conducted and oversaw various types of response actions at over 200 sites, including state-lead sites, emergency response sites, federal Superfund sites, and Brownfields sites. While some of these sites are being addressed by potentially responsible parties ("PRPs") or non-responsible parties ("NRPs"), many response actions and the Department's oversight activities are funded totally or partially by the HWCF. Field activities supported by the HWCF include the following: a remedial investigation at the Philip Services Corporation Site (a former hazardous waste incineration facility) in Rock Hill; a pilot study for groundwater treatment at the Stoller Chemical Company facility in Jericho; an investigation and removal at a former methamphetamine site in Charleston County; and emergency response activities that resulted from a hydrogen chloride smoke plume caused by a huge fire at the former JP Stevens Mill #3 in Great Falls. The HWCF also supported several criminal investigations that resulted in convictions for illegal waste disposal as well as reimbursement of the Department's environmental response costs.

In addition to investigation and cleanup activities, the Department was successful in many cost recovery efforts in FY06. Judicial settlements were reached with several PRPs for past response costs and future cleanup activities at the Cone Mills-Union Bleachery Site in Greenville. In the absence of these settlements, this site would have become a major financial commitment for the HWCF. Without the need for litigation, the Department also recovered all past response costs at the Blackberry Valley Landfill Site. Future cleanup activities at this site are being funded by Greenville County under a consent agreement. The Department also entered into numerous other consent agreements and contracts with private parties to perform response actions with Departmental oversight.

Despite these successes, we are concerned about our future ability to quickly and effectively address the many threats to human health and the environment that are posed by hundreds of uncontrolled waste sites in South Carolina. The State Superfund Program relies heavily on the HWCF for contractual services as well as for salaries of staff who perform and oversee state-lead and private party cleanup actions. During FY06, HWCF expenditures totaled approximately \$1.97 million, while revenues (primarily from cost recovery settlements and reimbursements of

oversight costs) totaled approximately \$847,000. Since the summer of 2000 when the HWCF lost its permanent funding source, the HWCF balance has dropped from over \$22 million to approximately \$11 million in June 30, 2006. (See Figure on page 11.) The Department continues to seek a permanent funding source for the HWCF so that uncontrolled sites can be addressed in a timely and efficient manner.

The Superfund Program: What Roles Are Taken By Our Federal and State Governments to Address Hazardous Waste Sites?

The primary purpose of the Superfund Program is to investigate and clean up abandoned and uncontrolled hazardous waste sites. In South Carolina, the Superfund Program is implemented pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the South Carolina Hazardous Waste Management Act (SCHWMA). CERCLA was created to identify and manage the nation's worst abandoned and uncontrolled hazardous waste sites. Through the SCHWMA, the Department is authorized to implement and enforce CERCLA and assess and remediate contaminated sites.

I. The Federal Superfund Law, Process, and Procedure

A. Federal Superfund Law

In 1980, the United States Congress passed CERCLA, in response to environmental problems such as the State of New York's Love Canal Site located near Niagara Falls. CERCLA provided federal funds for responding to releases and threatened releases of hazardous substances and created a liability scheme that encouraged Potentially Responsible Parties (PRPs) to address sites and provided a mechanism for recovering costs from recalcitrant parties.

In 1986, after demands on the Federal Superfund Program became more apparent, Congress reauthorized CERCLA and increased funding and authority for the United States Environmental Protection Agency (EPA). It also increased the State's role in implementing that law. This reauthorization was called the Superfund Amendments and Reauthorization Act (SARA). The Federal Superfund Program was reauthorized again by Congress in 1991, allowing the program to continue under the same funding and regulatory framework. Congress has not formally reauthorized CERCLA since 1991, but several amendments have been added and the Superfund Program remains in the federal budget and operates under the guidelines of the 1991 reauthorization.

B. Federal Superfund Process

The Federal Superfund process begins with site discovery or notification of possible releases of hazardous substances. If a site requires immediate attention, EPA's Emergency Response and Removal Branch may perform actions to address immediate threats to the public health or the environment. If a site does not pose an imminent threat, it is screened to determine whether it warrants further evaluation for remedial (or long-term) measures. EPA then evaluates a site to determine if the release(s) of hazardous substances qualifies for placement on the Federal Superfund Program's National Priorities List (NPL). Sites that do not qualify for the NPL are referred to the State Superfund Program.