

# SOLID WASTE PLANNING

The S.C. Department of Health and Environmental Control (DHEC) has the responsibility for permitting landfills and other facilities that manage solid waste in South Carolina. State and federal regulations dictate specific engineering, geographical and geological requirements for these permits. But state and federal solid waste regulations are not the only

tools available to determine how or where solid waste will be managed. DHEC works with local governments to ensure adequate disposal capacity for solid waste and that proposed solid waste facilities are located in accordance with federal, state and local requirements.

## STATE & LOCAL SOLID WASTE MANAGEMENT PLANS

DHEC has responsibility for developing a state solid waste management plan, approving demonstration of need (DON) for new facilities and determining consistency with state and local solid waste management plans. County governments have the responsibility for developing and implementing county or regional solid waste management plans.

The S.C. Solid Waste Policy and Management Act of 1991 (Act) requires the state to have a comprehensive solid waste management plan (State Plan). The State Plan contains an inventory of the amounts and types of solid waste currently being disposed of, solid waste disposal projections for a 20-year period, an estimate of the current capacity in this state to manage solid waste and an analysis and evaluation of current practices.

The State Plan was adopted in 1992 and revised in 1999. In 2006, a modification was made to establish limits for facilities that use emerging technologies to manage solid waste until such time as the technologies have been determined to be effective and safe. DHEC anticipates beginning another revision of the State Plan in 2009. This update to the State Plan is required by the Act. In addition, previous solid waste reports – that include updates to the State Plan – for Fiscal Year (FY) 2004 through FY07 can be found on the Web at [www.scdhec.gov/environment/lwm/recycle/resource\\_center.htm](http://www.scdhec.gov/environment/lwm/recycle/resource_center.htm). For earlier reports, call 1-800-768-7348.

The Act also requires each county to have a comprehensive solid waste management plan. Counties may join together to create and implement a regional solid waste management plan. Local plans are to provide information related to solid

waste facilities, waste generation, local disposal and management options, full-cost data and recycling plans. Copies of local plans may be obtained from the appropriate local government. DHEC also keeps a library of local plans that may be accessed upon request. Local plans should be used to establish what solid waste facilities are needed and to plan for how much solid waste will be generated for disposal.

Language in the local plan should be clear, concise and based on factual data and research. Because the local government is responsible for providing management of all solid waste, the local plan should address all solid waste streams and all applicable facility types and methods of treatment. The Act requires local governments to consider solid waste needs for a 20-year planning period.

Local plans should be reviewed periodically to assess the impact of regulatory changes, new permit issuances, population changes and waste generation trends. For these reasons, DHEC encourages counties and regions to review their solid waste management plans periodically and update or revise them as needed. Counties should develop their solid waste management plans with input from cities and towns within the county and offer an opportunity for public input into the plans.

DHEC provides guidance and assistance to local officials and solid waste consultants to consider when submitting, writing and/or modifying local plans. Staff will conduct workshops or make presentations upon request. Assistance also is available to the regulated community to help determine how a proposed facility would impact – or be impacted by – state and local planning considerations.

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## CONSISTENCY DETERMINATIONS

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Before a facility can be permitted, it must be determined to be consistent with both the State Plan and with the local county or regional solid waste management plan. The procedure for making consistency determinations with local plans was outlined in the 1999 State Plan.

A 2004 S.C. Supreme Court ruling, however, resulted in a change to the manner in which consistency determinations are made. As a consequence, county and regional solid waste planning is more important than ever. Prior to the Supreme Court ruling, DHEC relied on the local government to make case-by-case determinations of consistency with local plans.

Pursuant to the April 19, 2004 ruling by the S.C. Supreme Court (Southeastern Resource Recovery, Incorporated [SRRI] versus SCDHEC, et al, Opinion No. 25806), DHEC now conducts its own review of the local plans and makes an independent consistency determination. It is essential therefore, that each county solid waste management plan be up-to-date and written so that it clearly conveys the intent of the county over the 20-year planning period. Local governments can use zoning and land-use planning to restrict the locations of solid waste facilities. Solid waste facilities cannot be permitted for locations that are inconsistent with zoning or land-use requirements.

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## LANDFILL REGULATION (R.61-107.19)

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In May 2008, revisions to the landfill regulation (R.61-107.19 Solid Waste Management: Solid Waste Landfills and Structural Fill) were approved. The amended landfill regulation updates, streamlines and clarifies requirements addressing disposal of solid waste, provides better protection for the environment and public health, facilitates public notification and input in the early stages of the permitting process and resolves issues prior to large financial expenditures.

As part of the amended regulation, new language was added to provide a viable mechanism for structural fill activities using a suitable waste stream, helping alleviate open dumping. It focuses disposal options on the waste stream's chemical and physical properties instead of the source of generation. The landfill regulation change resulted in the reclassification of landfills into three types: Class 1; Class 2; and Class 3. See page 80 for more information

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## DEMONSTRATION OF NEED

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The DON regulation (R.61-107.17 Solid Waste Management: Demonstration of Need) refers to the criteria that is applied when there is a proposed solid waste disposal facility. Specific criteria include location of the proposed facility or the facility's expansion, the number of commercial disposal facilities within the planning area and the amount of waste generated within the planning area.

According to the Act, most solid waste facilities must obtain a DON approval before they can obtain a permit. DHEC makes DON determinations at the

request of applicants. The DON regulation is available on the Web at [www.scdhec.gov/lwm/regs/r61-107\\_17.pdf](http://www.scdhec.gov/lwm/regs/r61-107_17.pdf). It establishes planning areas that determine geographically where facilities can or cannot be placed. It also establishes maximum tonnage limits for the amount of material that can be accepted on an annual basis at specific facilities.

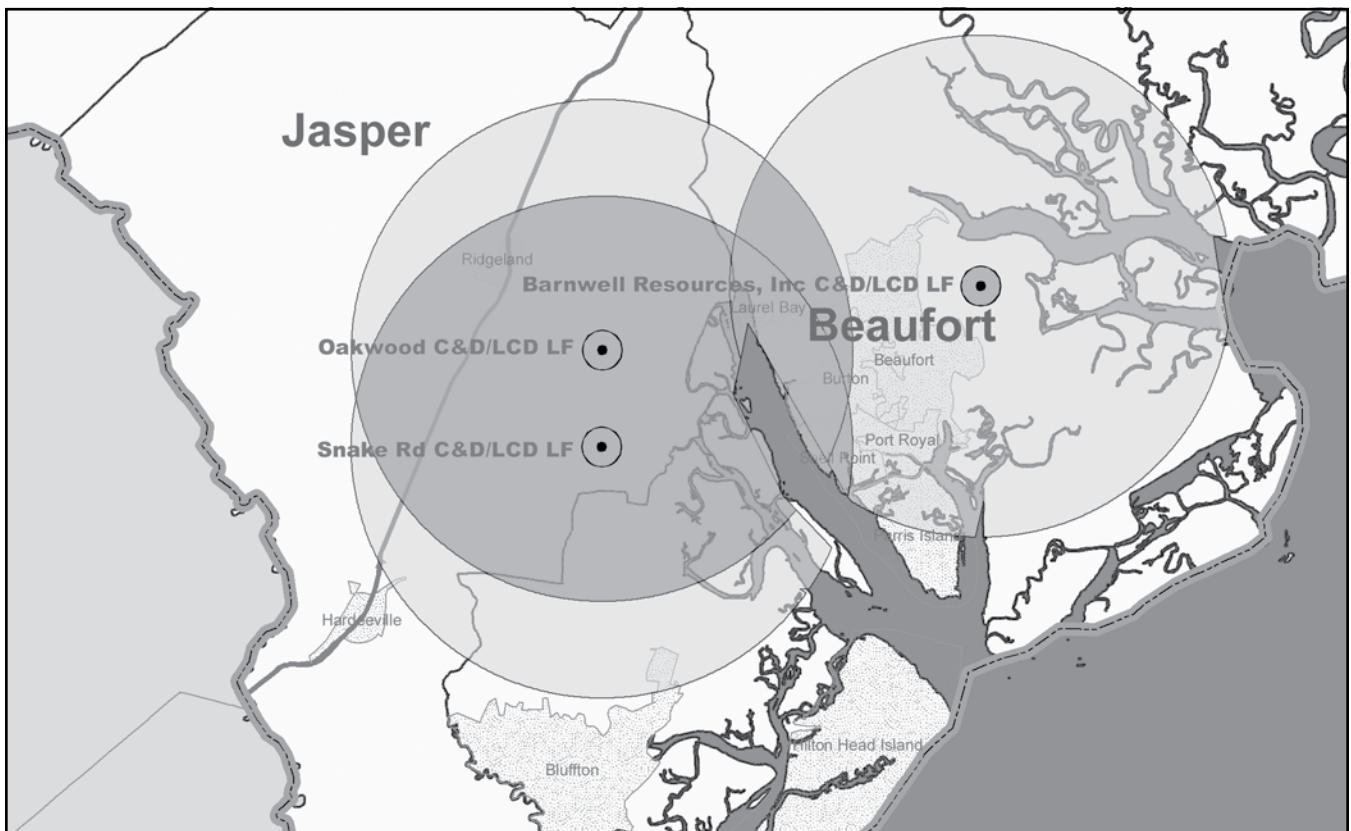
DHEC has introduced changes to the current DON regulation in order to ensure consistency with changes to the landfill regulation and improve solid waste planning.

The proposed DON amendment would expand the scope of the regulation to address solid waste processing facilities and some air curtain incinerators by adding them to the list of facilities requiring a DON. It would revise the size of the planning areas around some solid waste facilities, add new criteria for determining the disposal rate limit for Class 3 landfills and redefine “non-commercial” and “commercial” solid waste management facilities.

These changes were proposed to help reduce the number of potential locations for new solid waste

facilities and to help reduce and install a cap on the overall allowable disposal rate in the state while ensuring an adequate number of facilities throughout the state to meet disposal needs.

The proposed DON regulation, Document Number: 3198, proposed in State Register Volume and Issue: 32/1, may be viewed at [www.scstatehouse.gov/regnsrch.htm](http://www.scstatehouse.gov/regnsrch.htm). DON maps – used to indicate geographically where facilities may be placed – can be accessed at [www.scdhec.gov/environment/lwm/html/solidwaste.htm](http://www.scdhec.gov/environment/lwm/html/solidwaste.htm).



This map illustrates the 10-mile planning areas for C&D landfills. The dark shaded area represents where the planning area for two C&D landfills overlap, and where a proposed facility could not demonstrate need. The white and light shaded areas show where a proposed facility could demonstrate need.

This map is for illustrative purposes only and is not an actual DON map. For current DON information, please visit [www.scdhec.gov/environment/lwm/html/solidwaste.htm](http://www.scdhec.gov/environment/lwm/html/solidwaste.htm).

**LEARN MORE**



To search for solid waste disposal facilities throughout South Carolina, visit [www.scdhec.gov/environment/lwm/Databases/MSWM/Mine-SW\\_search.htm](http://www.scdhec.gov/environment/lwm/Databases/MSWM/Mine-SW_search.htm).

