Recent Amendments to the Solid Waste Act

S.C. House Bill 4644

South Carolina Department of Health and Environmental Control

Healthy People. Healthy Communities.

Solid Waste Act Changes

Changes are limited to four broad areas:

1. Solid Waste Emergency Fund
2. Determination-of-Need
3. Local land use and zoning ordinances
4. Construction and Demolition (C&D) Debris Recycling Facilities

1. Establishes a Solid Waste Emergency Fund

- Created out of the existing Solid Waste Management Trust Fund
- Quarterly deposits made into this fund at 2.5% of Solid Waste Management Trust Fund
- Emergency Fund will cap at $1,500,000
- Can be used at the discretion of the Department at Solid Waste facilities for emergency actions only

2. Clarifies that Determination-of-Need only applies to certain facilities

These facilities include the construction of new and the expansion of existing:

- Commercial Class 2 landfills
- Commercial Class 3 landfills
- Commercial Solid Waste incinerators
- Commercial Solid Waste processing facilities

Class 2 Landfills

Class 3 Landfills

Solid Waste Processors

3. Removes DHEC from independently interpreting local zoning ordinances

- For the construction of new or the expansion of existing SW facilities
- Applicants must provide documentation of compliance with local land use and zoning ordinances
- DHEC will no longer review local ordinances to determine compliance

4. Creates permit requirements for C&D Debris Recycling Facilities

A Phased Implementation:

- By July 3, 2018, all C&D Debris Recycling Facilities must be registered with the Department
- By May 3, 2019, all non-exempt C&D Debris Recycling Facilities must apply for a permit
- By May 3, 2020, all non-exempt C&D Debris Recycling Facilities must obtain a permit or close in accordance with current regulations

C&D Debris Recycling Facilities

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Summary of Actions taken so far

- Registration form (D-3328) created
- All active Recovered Material Processing Facilities (RMPFs) contacted (41 total)
- 36 sites registered
- At least 10 facilities will require SW processing facility permits
- Field verification site inspections have begun

Form D-3328

Registration of Construction & Demolition (C&D) Debris Recycling Facility

SUBMIT TO: DHEC, Division of Mining and Solid Waste Management, 2600 Bull Street, Columbia, SC 29201-1708

(NOTE: Instructions and additional information for completing this form are provided on the back.)

SECTION I: Contact Information

Name of Applicant:		
Mailing Address:		County:
City:	State:	Zip:
Contact Person:	Title:	
Telephone Number:	Email Address:	

SECTION II: Facility Information

Name of the C&D Debris Recycling Facility:		
Site Address:		County:
City:	State:	Zip:
Tax Map Number:	Acreage of Property:	
Latitude and Longitude or UTC Coordinates:		
Coordinates Obtained Using:		

SECTION III: Material Collected

How much material is currently on site?	In Tons:	In Cubic Yards:
Are you currently bringing in mixed C&D material?	❑ Yes	❑ No
If yes, provide the date (month, day, year) when the processing of mixed waste began.		Date:
Are you currently bringing in source separated C&D material?	❑ Yes	❑ No

List of Material Currently Being Recovered:

❑ Asphalt	❑ Glass (windows, etc.)	❑ Sheetrock
❑ Brick	❑ Metals	❑ Wood (lumber)
❑ Cardboard	❑ Mixed Paper	❑ Other:
❑ Concrete	❑ Plastic	❑ Other:

Description of Other Material Being Recovered (not listed):

SECTION IV: Certification

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached document and, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment"

Applicant:	
Applicant Signature:	Date:

DHEC 3328 (05/2018) SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Future Action Items

- Complete field verification site inspections by December 30, 2018
- Develop annual report form for all registered facilities
- Continue to inform stakeholders, Solid Waste professionals, and local government officials

I. Site Registration Process

1. All facilities that recycle C&D debris must complete form D-3328
2. Registration acknowledgement letter sent to facility

II. Some facilities may be exempt from SW permit requirements

- All facilities must be registered
- In order to be exempt from SW permit requirements, a facility must meet one of three conditions

Exemption Condition 1

- Located on a parcel that currently has a SW landfill permit (e.g., Class 2 landfill, Class 3 landfill)
- The permitted facility must update their operational plan prior to being granted an exemption

Exemption Condition 2

- A facility is located on a tax parcel no more than 2 acres in size (as of May 3, 2018), and
- At least 75% of the total weight of material is recycled each calendar year

Exemption Condition 3

A facility must meet all of the following:

- Accepted materials are segregated by material type at the point of generation
- At least 75% of the total weight of each material type is used, reused, recycled, or transferred each calendar year
- Material is handled safely and in a manner demonstrating that it has value

III. Process to be exempt from SW permitting requirements

1. Facility requests exemption in writing
2. SW Permitting staff reviews request
3. SW Permitting, Compliance, and Regional staff conducts a site verification inspection
4. If all criteria is met, exemption is granted
5. Any substantial change may require the facility to apply for a SW permit in the future

IV. Requirements for registered facilities

- Facilities must report annually by January 15th
- Facility records must be maintained for at least 3 years and made available upon request
- All non-recoverable residuals must be transferred to a permitted facility within 90 days of receipt of material
- Site inspection of facilities to be performed twice per year by Regional staff

The Annual Report must include

- Any change in contact or facility information
- The total weight (in tons) of each material type received during calendar year
- The total weight of each material type remaining onsite at the end of the year
- The total weight of each material type used, reused, recycled, or transferred each calendar year
- The amount of solid waste removed or disposed each calendar year, and the disposal location

V. Requirements for facilities that must obtain a SW permit

- Annual reporting requirements are the same
- All currently registered facilities requiring a permit will be notified by December 30, 2018
- Facilities requiring a permit must submit a completed permit application by May 3, 2019
- The permitting process must be completed by May 3, 2020. If a facility does not have a permit by this date, it must complete closure activities and cease operation by May 3, 2020.

VI. Unregistered facilities after December 30, 2018

- Regional staff should notify Compliance staff immediately when they become aware of an unregistered facility
- Registration is required. A SW processing permit may be required.
- Process for registering and applying for a SW permit will be the same. Timelines will be established by Permitting and Compliance staff.

Primary Contact for C&D Debris Recycling Facilities

Solid Waste Permitting & Monitoring Section

By email: **swpermitting@dhec.sc.com**

By phone: **Tim Eleazer, (803) 898-1356**

QUESTIONS?

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