

## ***Land and Waste Management***

### **State Register Document 4705, Amendment of 61-33, Drycleaning Facility Restoration**

#### **Synopsis:**

Regulation 61-33 has not been updated since 1997. Revisions of Article 4 of the South Carolina Hazardous Waste Management Act, 1976 Code Section 44-56-410 et seq., on May 21, 2013 removed certain requirements of drycleaning facility and site owners to participate in the Drycleaning Restoration Trust Fund. As such, many of the procedures, practices, and terms of Regulation 61-33 are outdated and/or no longer applicable. These amendments to R.61-33 revise and clarify criteria, procedures and standards for eligibility, moratorium, financial responsibility, facility prioritization, and restoration investigation and clean-up goals of drycleaning facilities and sites participating in the Drycleaning Facility Restoration Trust Fund. These amendments provide updates to the definitions, remove requirements and procedures for documenting existing contamination, and remove requirements and procedures for certifying contractors. Additional changes include revising the regulation title, stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining/codification, and other changes necessary to improve the overall quality of the regulation. This amendment replaces R.61-33 in its entirety and supersedes any former versions.

Legislative review will be required.

#### **Promulgation History/Status:**

*The Department reinitiated the statutory process to amend R.61-33 by publication of a Notice of Drafting in the S.C. State Register on July 22, 2016 and also in the DHEC Regulation Development Update. This second Notice of Drafting replaced and superseded the Notice of Drafting published in the State Register on May 22, 2015 and was posted for the purpose of extending the statutory promulgation period pursuant to 1976 S.C. Code Section 1-23-120(A). The drafting comment period closed August 22, 2016. On October 13, 2016, the DHEC Board approved the proposed revised regulation for public notice. A Notice of Proposed Regulation with notice of opportunity for public comment was published as Document 4705 in the State Register on October 28, 2016. The public comment period closed. After public hearing on December 8, 2016, the DHEC Board found for the need and reasonableness of the proposed revised regulation and approved it for submission to the General Assembly for review. Document 4705 was filed with the State Register Office December 14, 2016, was processed, verified, and submitted to the General Assembly January 10, 2017 and referred the same day to the House and Senate reviewing committees. The Senate Medical Affairs Committee introduced Joint Resolution S0375 to approve Document 4705; it passed the House and Senate, was*

*ratified (R 31) May 4, 2017, and was signed by the Governor May 9, 2017. The revised regulation in Document 4705 was passed by Joint Resolution and became law by its publication as a final regulation in State Register Volume 41 Issue 5 on May 26, 2017; it and can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4705.docx>. For additional information contact G. Kendall Taylor, P.G., Director, Site Assessment, Remediation, and Revitalization Division, Bureau of Land and Waste Management, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at [taylorgk@dhec.sc.gov](mailto:taylorgk@dhec.sc.gov).*

## **State Register Document 4651, Proposed Amendments of R.61-79, Hazardous Waste Management Regulations**

### **Synopsis:**

The Department of Health and Environmental Control (Department) is proposing to amend R.61-79, Hazardous Waste Management Regulations, to adopt two final rules published in the Federal Register by the United States Environmental Protection Agency (EPA). The proposed amendments will support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments will: revise the definition of solid waste to conditionally exclude carbon dioxide (CO<sub>2</sub>) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO<sub>2</sub> streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet certain other conditions; and revise several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act.

Legislative Review will be required.

### **Promulgation History/Status:**

*The Department initiated the statutory process to amend R.61-79 by publication of a Notice of Drafting in the S.C. State Register on November 27, 2015 and also in the DHEC Regulation Development Update. The drafting comment period closed December 29, 2015. On June 9, 2016, the DHEC Board approved the staff request to publicly notice the proposed regulations. A Notice of Proposed Regulations with notice of opportunity for public comment was published as Document 4651 in the State Register on June 24, 2016 and also on the Department's website. The Department elected to terminate the proposed regulations of Document 4651 by publication of a Notice of Termination in the State Register on September 23, 2016. The Department published a new Notice of Proposed Regulations in the State Register as Document 4666 on September 23, 2016. See details in Document 4666 below. For additional information contact David Scaturo, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health*

and Environmental Control, 2600 Bull Street, Columbia, SC 29201 or by email at [scaturdm@dhec.sc.gov](mailto:scaturdm@dhec.sc.gov).

### **State Register Document 4666, Proposed Amendment of R.61-79, Hazardous Waste Management Regulations**

The Department is proposing to amend R.61-79 to adopt two final rules published in the Federal Register by the United States Environmental Protection Agency (EPA). The proposed amendments will support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments will: revise the definition of solid waste to conditionally exclude carbon dioxide (CO<sub>2</sub>) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO<sub>2</sub> streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet certain other conditions; and revise several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act.

Legislative review is required.

#### **Promulgation History/Status:**

*The Department initiated the statutory process to amend R.61-79 by publication of a Notice of Drafting in the S.C. State Register on November 27, 2015 and also in the monthly DHEC Regulation Development Update. The drafting comment period closed December 29, 2015. On September 8, 2016, the DHEC Board approved public notice for the proposed regulations. A Notice of Proposed Regulations with opportunity for public comment was published in the State Register on September 23, 2016 as Document 4666 and can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4666.docx>. Since publication in the State Register, Document 4666 was cancelled. The Department revisited these two proposed rules to further assess the need and reasonableness of these optional requirements. Adoption of these rules at this time is not necessary to maintain consistency with the federal program. For additional information contact David Scaturo, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201 or by email at [scaturdm@dhec.sc.gov](mailto:scaturdm@dhec.sc.gov).*

### **State Register Document 4706, Amendment of R.61-92, Underground Storage Tank Control Regulations**

#### **Synopsis:**

The Department amends R.61-92, Underground Storage Tank Control Regulations,

Part 280. These amendments focus on adopting the federal underground storage tank requirements of 40 CFR Section 280 effective October 13, 2015, and revising portions of R.61-92, Part 280 pertaining to compliance requirements of the UST Control Regulations. The amendments reorganize the regulations for clarity and consistency with the format of the revised federal regulation effective October 13, 2015, along with other stylistic changes to improve the overall quality of the Regulation. This amendment replaces R.61-92 in its entirety and supersedes any former versions.

Legislative review is required.

### **Promulgation History/Status:**

*The Department initiated the statutory process to amend R.61-92 by publication of a Notice of Drafting in the S.C. State Register on April 22, 2016 and also in the DHEC Regulation Development Update. The drafting comment period closed May 23, 2017. On October 13, 2016, the DHEC Board approved the proposed revised regulation for public notice. A Notice of Proposed Regulation with notice of opportunity for public comment was published as Document 4706 in the State Register on October 28, 2016. After public hearing December 8, 2016, the DHEC Board found for the need and reasonableness of the proposed revised regulation and approved it for submission to the General Assembly for review. The revised regulation was filed with the State Register Office December 14, 2016, was processed, verified, and submitted to the General Assembly January 10, 2017 for review and referred to the House and Senate reviewing committees. At the request of the Senate Medical Affairs Committee by letter dated January 30, 2017, the Department simultaneously withdrew and resubmitted a revised regulation on January 30, 2017. On February 8, 2017, the Senate Medical Affairs Committee introduced Joint Resolution S0376 to approve the revised regulation. This Resolution passed the House and Senate, was ratified (R.32) May 4, 2017, and signed by the Governor May 9, 2017. The revised regulation in Document 4706 was passed by Joint Resolution and became law by its publication as a final regulation in State Register Volume 41 Issue 5 on May 26, 2017; it can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4706.docx>. For additional information, contact Eric F. Cathcart, Program Manager, Underground Storage Tank Management Division, Bureau of Land and Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at [cathcaef@dhec.sc.gov](mailto:cathcaef@dhec.sc.gov).*

### **State Register Document 4667, Proposed Amendment of R.61-105, Infectious Waste Management Regulations**

#### **Synopsis:**

The Department proposes to amend R.61-105. These proposed amendments seek to provide greater protections for the public, remove any perceived uncertainty with

respect to existing provisions, and ensure consistency with U.S. Department of Transportation regulations. Stylistic changes are included that will improve the overall quality of the Regulation.

These proposed regulations require facilities having a permit by rule to notify the Department of the type of treatment they will utilize and clarify requirements for any waste facilities that are pre-treating. The proposed regulations include body art facilities (tattoo and body piercing) in the types of facilities that generate infectious waste in order to make the Infectious Waste Management Regulation consistent with Health Licensing requirements. Recordkeeping requirements include a timeframe for records to be provided to the Department after an inspection. Timeframes are addressed for variances and alternative treatment technology approvals, including expiration and opportunities for renewal. The requirements also allow better communication with facilities and tracking of facilities. Annual reporting requirements for treatment facilities are revised and clarified to require amounts of waste treated to correspond to the state of origin. Facilities that treat waste through steam sterilization will be required to record the pressure during the treatment process as well as having the pressure gauge calibrated annually. These records are already required for temperature and are already being provided by the permitted treatment facility in the State. Demonstration of need requirements are more consistent with those of other similar programs. The definition(s) and requirements for storage of waste are clarified. Requirements for financial assurance documentation requirements are revised to better protect the Department and South Carolina residents. The requirements for the handling of products of conception are revised to include documentation of donation and notification of necessary incineration. The standards for waste treatment technologies are updated. The amendments allow transporters to only disinfect their vehicles once a day, while still requiring immediate disinfection of visible debris and a now requiring a log to be kept of disinfection. The requirement that transporters submit training documentation annually is removed, as inspectors check for these records during regular inspections. Finally, the proposed regulations include no substantive stylistic revisions and a table of contents will be added.

Legislative review will be required.

### **Promulgation History/Status:**

*The Department reinitiated the statutory promulgation process to amend R.61-105 by publication of a second Notice of Drafting in the S.C. State Register on April 22, 2016 and also in the DHEC Regulation Development Update. The drafting comment period closed May 22, 2016. On September 8, 2016, the DHEC Board approved public notice for the proposed regulations. A Notice of Proposed Regulations with notice of opportunity for public comment was published as Document 4667 in the State Register on September 23, 2016 and can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4667.docx>. The DHEC staff conducted the informational forum on October 21, 2016 as was noticed in the State Register, and the public comment period for submitting written comments closed October 24,*

2016. Due to time needed for the Department to evaluate the comments received during the public comment period, the public hearing originally scheduled for December 8, 2016, was cancelled and rescheduled before the Department's Board for March 9, 2017. Subsequently, due to the complexity of issues raised by public comments, the Department cancelled the March 9, 2017 public hearing and terminated the proposed amendments of Document 4667 by publication of a Notice of Termination of Document 4667 in the State Register March 24, 2017. The Department will consider these comments in proposing revised amendments to R.61-105, which will begin with issuance of a new Notice of Drafting and, ultimately, a Notice of Proposed Regulation under a new document number. This will provide the public with additional opportunities to review and provide input for proposed amendments incorporating consideration of the previously received comments. For additional information, contact David Scaturo, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201, [infectiouswaste@dhec.sc.gov](mailto:infectiouswaste@dhec.sc.gov).

## **State Register Document\_\_\_\_, Proposed New Regulation - Storage Locations of Coal Combustion Residuals Prior to Delivery to the Location of Beneficial Reuse**

### **Synopsis:**

During the 2016 legislative session, the Governor signed into law an act to amend the Code of Laws of South Carolina, 1976, by adding section 58-27-255, which requires coal combustion residuals resulting from the production of electricity to be placed in Class 3 landfills, and which also provides exceptions. The proposed regulation will include requirements and standards governing new locations for the storage of coal combustion residuals resulting from the production of electricity, prior to delivery to the location of beneficial reuse. The regulation may also establish related penalties and administrative fines for violations of the regulation.

Legislative review will be required.

### **Promulgation History/Status:**

*The Department initiated the statutory process to develop this regulation by publication of a Notice of Drafting in the State Register on April 22, 2016; the drafting comment period closed May 23, 2016. This regulation is currently under development. For additional information, contact Jana White at S.C. Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201, Email: [whitejm@dhec.sc.gov](mailto:whitejm@dhec.sc.gov).*