

# Regulation 61-107.7

## Solid Waste Management: Transfer of Solid Waste

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**Statutory Authority:**

S.C. Code Sections 44-96-290, 44-96-300, 44-96-370, 44-96-400, 44-96-450, and 48-1-10 et seq.

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## **A.Applicability.**

1. This regulation is to establish minimum standards for facilities where solid waste is transferred from collection vehicles to other transportation units for movement to another solid waste management facility prior to its processing and disposal. In addition, this regulation is to ensure that no unpermitted discharges to the environment occur during the process of transferring solid waste.

2. Solid waste management facilities commonly referred to as "drop-off centers" or "convenience centers", designed for the receipt of solid waste from personal, non-commercial vehicles and destined for delivery to another Solid Waste Management Facility (e.g. recycling, processing, treatment, or ultimate disposal), will not be regulated as transfer stations. Facilities that handle only recovered materials are not subject to the requirements of this regulation.

3. Facilities transferring solid waste generated in the course of normal operations on property under the same ownership or control as the waste transfer facility are exempt from the requirements of this regulation.

## **B.Definitions.**

1. "Closure" means the discontinuance of operation by ceasing to accept, treat, store, or dispose of solid waste in a manner which minimizes the need for further maintenance and protects human health and the environment.

2. "Collection" means the act of picking up solid waste materials from homes, businesses, governmental agencies, institutions, or industrial sites.

3. "Construction" means any physical modification to the site at which a potential or proposed solid waste management facility is to be located including, but not limited to, site preparation.

4. "Contingency plan" means a document acceptable to the Department setting out an organized, planned, and coordinated course of action to be followed at or by the facility in case of a fire, explosion, or other incident that could threaten human health and safety or the environment.

5. "Department" means the South Carolina Department of Health and Environmental Control.

6. "Discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of solid waste, including leachate, into or on any land or water.

7. "Disclosure statement" means a sworn statement or affirmation, the form and content of which shall be determined by the Department as required by Code Section 44-96-300.

8. "Expansion" means the process of increasing existing capacity of operations at an existing site when such increase is in conformity with the area served and scope of operations of the original permit.

9. "Financial responsibility mechanism" means a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of solid waste management facilities. Available financial responsibility mechanisms include, but are not limited to, insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees as determined by the Department by regulation.

10. "Flood plain" means the lowland and relatively flat areas adjoining inland and coastal areas of the mainland and off-shore islands including, at a minimum, areas subject to a one percent or greater chance of flooding in any given year.

11. "Hazardous waste" has the meaning provided in Section 44-56-20 of the South Carolina Hazardous Waste Management Act.

12. "Infectious waste" has the meaning given in Section 44-93-20 of the South Carolina Infectious Waste Management Act.

13. "Leachate" means the liquid that has percolated through or drained from solid waste or other man-placed materials and that contains soluble, partially soluble, or miscible components removed from such waste.

14. "Owner/operator" means the person who owns the land on which a solid waste management facility is located or the person who is responsible for the overall operation of the facility, or both.

15. "Permit" means the process by which the Department can ensure cognizance of, as well as control over, the management of solid wastes.

16. "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

17. "Recovered materials" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing, but does not include materials when recycled or transferred to a different site for recycling in an amount which does not equal at least seventy-five percent by weight of materials received during the previous calendar year.

18. "Solid waste" means any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1964, as amended. Also excluded from this definition are application of fertilizer and animal manure during normal agricultural operations or refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.

19. "Solid waste management facility" means any solid waste disposal area, volume reduction plant, transfer station, or other facility, the purpose of which is the storage, collection, transportation, treatment, utilization, processing, recycling, or disposal, or any combination thereof, of solid waste. The term does not include a recovered materials processing facility or facilities which use or ship recovered materials, except that portion of the facilities which is managing solid waste.

20. "Surface water" means lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within territorial limits, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private.

21. "Transfer station" means a combination of structures, machinery, or devices at a place or facility where solid waste is taken from collection vehicles and placed in other transportation units, with or without reduction of volume, for movement to another solid waste management facility.

22. "Transport" means the movement of solid waste from the point of generation to any intermediate point and finally to the point of ultimate processing, treatment, storage, or disposal.

23. "Vector" means a carrier that is capable of transmitting a pathogen from one organism to another including, but not limited to, flies and other insects, rodents, birds, and vermin.

24. "Vehicle" means any motor vehicle, water vessel, railroad car, airplane, or other means of transporting solid waste.

### **C.General Provisions.**

1. The site, design, construction, and operation of all solid waste transfer stations shall conform to the standards as set forth in this regulation.

2. Any spillage or leakage of solid waste at a transfer station shall be contained on the storage site and unpermitted discharges to the environment shall be prohibited.

3. Sludges shall not be accepted at transfer stations and shall be transported directly to the disposal facility, disposal site or processing operation.

4. No person owning or operating a transfer station shall cause, suffer, allow, or permit the handling of regulated hazardous wastes or regulated infectious wastes at the transfer station.

5. Within six (6) months of the effective date of this regulation, all owners and/or operators of existing transfer stations shall submit to the Department as-built plans and specifications of the existing facility in accordance with Section D below.

6. Within twelve (12) months of the effective date of this regulation, existing facilities which transfer solid waste shall conform to the standards as set forth in this regulation unless otherwise approved by the Department.

7. If at any time, the Department determines that the solid waste transfer station poses an actual or potential threat to human health or the environment, the owner or operator shall implement a corrective action program. This program shall be approved by the Department prior to implementation.

8. The permittee of a solid waste transfer station shall notify the Department prior to transfer of ownership or operation of the facility during its operating life or during the post-closure care period. The Department will approve a reissuance of the permit to the new owner provided that the facility is in compliance and the new owner agrees in writing to assume responsibility in accordance with these regulations.

### **D.Permit and Application Requirements.**

1. Prior to the construction, operation, expansion or modification of a solid waste transfer station, a permit shall be obtained from the Department.

2. Any person wishing to obtain a permit from the Department for the construction and/or operation of a solid waste transfer station shall submit three (3) copies of the following documents:

- a. A completed permit application on a form provided by the Department;
- b. A site plan. This plan shall include the following:
  - (1) Site conditions and projected use including all site structures, buildings, fences, gates, entrances and exits, parking areas, on-site roadways, and signs;
  - (2) Property boundaries, access roads, surface water bodies, wetlands as delineated and defined specifically as wetlands according to the methodology accepted by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency, and the location of 100-year flood plain boundaries; and,
  - (3) Adjacent properties including the location of public and private water supplies on these properties;
- c. A transportation plan specifying the number and type of transportation vehicles to be used, and how often solid waste will be transported to the disposal site or sites;
- d. A plan for training equipment operators and other personnel concerning the operation of the facility;
- e. A contingency plan describing alternate solid waste handling procedures for inoperable periods or delays in transporting solid waste;
- f. A detailed closure plan which identifies the steps necessary to close the facility. The plan may be amended at any time during the active life of the facility with Department approval. The plan shall be amended whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure;
- g. A disclosure statement in accordance with the guidelines established by Code Section 44-96-300. The Department may accept one disclosure statement for multiple facility permit applicants. Local governments and regions comprised of local governments are exempt from submitting a disclosure statement; and,
- h. The following items prepared by a South Carolina licensed professional engineer:
  - (1) Complete construction plans and specifications;
  - (2) Design calculations;
  - (3) A preliminary engineering report to include, but not be limited to, the following:
    - (a) An outline of proposed structures and areas designated for unloading and loading and the general process flow;
    - (b) A description of the general operating plan for the proposed facility including the origin, composition, and expected weight or volume of all solid waste to be accepted at the facility per day; the maximum time waste will be stored; where all wastes will be disposed; the capacity of the facility; the operating hours of the facility; how nonputrescible, recyclable waste will be handled; and, the expected life of the facility;
    - (c) A description of all machinery and equipment to be used, including the design capacity;

(d) A description of the facility's drainage system and water supply system; and,

(4) Upon completion of construction of the facility, certification that the facility was constructed in accordance with approved plans and specification.

3. The plans and specifications for a transfer station shall be in compliance with the design criteria as set forth in this regulation.

4. Prior to the issuance of a Department construction permit, a financial responsibility mechanism shall be submitted to the Department. The owner or operator of each facility shall establish sufficient financial assurance to ensure satisfactory maintenance, closure, and post-closure of the facility; or to carry out any corrective action which may be required as a condition of a permit. Consideration shall be given to mechanisms which would provide flexibility to the owner or operator in meeting its financial obligations. The owner or operator shall be allowed to use combined financial responsibility mechanisms for a single facility and shall be allowed to use combined financial responsibility mechanisms for multiple facilities, utilizing actuarially sound risk-spreading techniques. Local governments are exempt from this requirement until such time as federal regulations require local governments or regions to demonstrate financial responsibilities for such facilities and the Department promulgates regulations addressing this issue.

#### **E. Design Criteria for Solid Waste Transfer Facilities.**

The following criteria are required at all solid waste transfer facilities unless otherwise approved by the Department:

1. The active waste handling area of a transfer station shall not be located within one hundred (100) feet of any property line;

2. The active waste handling area of a transfer station shall not be located within two hundred (200) feet of any surface water excluding drainage ditches and sedimentation ponds;

3. The active waste handling area of a transfer station shall not be located within two hundred (200) feet of any residence, school, hospital or recreational park area;

4. The active waste handling area of a transfer station shall not be located within one hundred (100) feet of a drinking water well;

5. A transfer station shall not be located within any wetlands as delineated and defined specifically as wetlands according to the methodology accepted by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency;

6. Facilities shall adhere to all State, Federal, and local zoning, land use, and other applicable local ordinances;

7. On-site roads and unloading areas shall be adequate in size and design to facilitate efficient unloading and loading of the collection and transportation vehicles and the unobstructed movement of vehicles;

8. The unloading, storage and loading surface areas shall be constructed of low permeability materials, e.g., asphalt, concrete, etc.; provided with a water supply for cleaning purposes; and, equipped with drains or pumps, or equivalent means to facilitate the removal of water for proper disposal;

9. Solid waste passing through a transfer station and intended for disposal in this State, shall be transferred only to a facility permitted or registered by the Department to receive that waste;

10. Tipping areas shall be located within an enclosed building or covered area and all waste shall be contained in the tipping area;

11. Exhaust removal systems shall be installed in enclosed areas and operated to provide adequate ventilation;

12. Access to the site shall be controlled through the use of fences, gates, berms, natural barriers, or other means approved by the Department;

13. At least one (1) sign shall be posted at each access point to the facility with the hours of operation and the types of solid waste accepted at the transfer station;

14. Whenever possible, solid waste transfer stations shall not be constructed in a 100-year flood plain. When a transfer station is located in a 100-year flood plain, the owner shall demonstrate that the facility will not restrict the flow of the 100-year flood; and,

15. Arrangements shall be made with a local fire department to provide fire fighting services, or fire fighting equipment shall be maintained on-site.

#### **F. Operation Criteria.**

The following operational requirements shall apply to all facilities that transfer solid waste:

1. Procedures for preventing unauthorized receipt of prohibited wastes shall be addressed in the contingency plan;

2. The transfer station shall maintain a neat and orderly appearance. The facility and the interior of the transportation vehicles where the waste is held shall be cleaned as often as necessary so as to control litter, odors, rats, insects and other vectors;

3. All floors shall be free from standing water. All drainage areas shall be discharged to a sanitary sewer or other management method acceptable to the Department;

4. A transfer station with permanent operating mechanical equipment shall have an attendant on duty at all times the facility is open;

5. Solid wastes identified as nonputrescible recyclables or oversized, bulky, or untreatable solid waste may be temporarily stored outside on the premises for a period not to exceed one (1) week, unless an exemption is requested and approved by the Department in the facility's general operation plan, and if it does not create a nuisance or a sanitary or environmental problem;

6. Adequate fire protection equipment shall be available at all times or arrangements made with a local fire department; and,

7. All putrescible wastes shall be removed for proper disposal within twenty four (24) hours of receipt unless an exemption is requested and approved by the Department in the facility's general operating plan. All solid wastes that are not transferred within twenty four (24) hours shall be stored in a manner to promote vector and odor control.



## **G. Monitoring and Record Keeping Requirements.**

1. Should the Department confirm environmental and/or health problems associated with any solid waste transfer facility, monitoring (including groundwater, surface water, and air quality monitoring) may be required by the Department, as appropriate, and based on a case by case evaluation to ensure protection of the environment.

2. Transfer stations regardless of ownership shall maintain records of the amount of all solid waste accepted at the facility each day and where all wastes were disposed. This information may be maintained in a summary format. These records shall be maintained for no less than five (5) years and shall be made available to the Department upon request.

## **H. Closure and Post-Closure Procedures.**

The following closure and post-closure procedures apply to all solid waste transfer stations:

1. At least sixty (60) days prior to closure, the owner or operator shall provide written notice of intent to close and a proposed closure date to the Department;

2. Upon closing, the owner or operator shall immediately post signs at the facility which state that the facility is no longer in operation and remove all solid waste from the facility;

3. Within thirty (30) days of closure, the owner or operator shall either remove or treat all waste residues, contaminated soils and equipment in accordance with the approved closure plan, and notify the Department upon completion;

4. After receiving notification that the facility closure is complete, the Department will conduct an inspection of the facility. If all procedures have been correctly completed, the Department will approve the closure in writing, at which time the Department permit shall be terminated; and,

5. If the owner or operator demonstrates that not all contaminated soils can be practicably removed or treated as required in paragraph 3. of this section, then the owner or operator shall submit for Department approval, a post-closure care plan.

## **I. Violations and Penalties.**

A violation of this regulation or any permit, order, or standard subjects the person to the issuance of a Department order, or to civil enforcement action in accordance with Code Section 48-1-330, or 44-96-450. Willful violation of this regulation or any permit, order, or standard subjects the person to the issuance of a Department order, or to criminal enforcement action in accordance with Code Section 48-1-320, or 44-96-450. A person to whom an order is issued may appeal it as a contested case pursuant to R.61-72 and the Administrative Procedures Act.

## **J. Permit Review.**

Permits for solid waste transfer stations shall be effective for the design and operational life of the facility, to be determined by the Department. The Department shall review the permit for each solid waste transfer station at least once every five (5) years, unless otherwise specified by the Department.

1. If, upon review, the Department finds that material or substantial violations of the permit demonstrate the permittee's disregard for, or inability to comply with applicable laws, regulations, or requirements and would make continuation of the permit not in the best interests of human health and safety or the environment, the Department may, after a hearing, amend or revoke the permit, as appropriate and necessary. When a permit is reviewed, the Department shall include additional limitations, standards, or conditions when the technical limitations, standards, or regulations on which the original permit was based have been changed by statute or amended by regulation.

2. The Department may amend or attach conditions to a permit when:

a. There is a significant change in the manner and scope of operation which may require new or additional permit conditions or safeguards to protect human health and safety and the environment;

b. The investigation has shown the need for additional equipment, construction, procedures, and testing to ensure the protection of human health and safety and the environment; and,

c. The amendment is necessary to meet changes in applicable regulatory requirements.

**K. Severability.**

Should any section, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of this regulation shall not be affected thereby.