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Compliance Assistance for Implementation of New Regulation 61-107.19 Solid Waste Management: Solid Waste Landfills and Structural Fill
Extract from SCDHEC Letter, June 2, 2008

Information for Class Two Landfills

Upon publication in the State Register on May 23, 2008, **Regulation 61-107.19 Solid Waste Management: Solid Waste Landfills and Structural Fill** became effective. This new regulation addresses all solid waste landfills and structural fill activity in the State and repeals four existing regulations (R. 61-107.11, R. 61-107.13, R. 61-107.16, and R. 61-107.258) governing these landfills. The new regulation improves solid waste management in four key ways:

1. Directs disposal based on characteristics of waste instead of source of generation;
2. Provides better protection of the environment and public health;
3. Facilitates public notification and input for permits; and,
4. Requires registration of all structural fill activities.

Under the new regulation, the Department will convert all existing landfills to the appropriate landfill classification as an **administrative modification to the permit**. The Department intends to issue modified permits for Class Two Landfills (formerly Construction and Demolition Landfills and Industrial Solid Waste Class I Landfills) upon Departmental approval of the Groundwater Monitoring Plan and the closure/post-closure cost estimate. In the interim, all existing landfills operating on the effective date of the regulation (May 23, 2008) shall comply with all requirements of the new regulation, except location criteria. Future expansions of existing facilities and most pending expansions will be required to meet location criteria.

In order to facilitate the transition, existing landfills are required by the new regulation to submit to the Department within 180 days of the effective date (**November 19, 2008**), either a letter directly from the permittee stating that the landfill meets all requirements or a plan that will bring the landfill into full compliance with new regulatory requirements within 18 months of the effective date (**by November 19, 2009**). The Department, as a courtesy to facility owner/operators, is communicating this information in hope of avoiding compliance problems as we transition to the new requirements.

As a Class Two Landfill, the following is required to become fully compliant with Regulation 61-107.19

1. **If the landfill elects to close, the owner/permittee shall:**

- a. By **November 19, 2008**, send a letter stating that the facility will cease taking waste by May 23, 2009 and will complete closure activities, to Mr. Marty Lindler, SCDHEC, Bureau of Land and Waste Management, Division of Compliance and Enforcement, 2600 Bull Street, Columbia, SC 29201-1708 (Regulation 61-107.19. Part IV.E.1.b.(2)).
 - b. Submit a revised closure/post-closure plan, excluding ground water monitoring to the Department for approval by **November 19, 2008** (Regulation 61-107.19. Part IV.E.1.b.(2) and Part IV.F.). Please be advised that if the landfill disposes of new Appendix I listed wastes (lead-based painted wastes, treated lumber, and friable asbestos) the Department may require more stringent post closure requirements.
 - c. Cease taking waste on or before **May 23, 2009** (Regulation 61-107.19. Part IV.E.1.b.(2)).
 - d. Start closure actions on or after **May 23, 2009** (Regulation 61-107.19. Part IV.E.1.b.(2)).
 - e. Complete closure and place the required statements on the Deed on or before **November 19, 2009** (Regulation 61-107.19. Part I.A.6.c.; Part IV.E.1.b.(2); and Part IV.F.).
2. **If the landfill elects to continue operations under the new Regulation, the owner/permittee shall:**
- a. Submit a new or revised groundwater monitoring system design work plan by **November 19, 2008**, to Mr. Keith Collinworth, SCDHEC, Bureau of Land and Waste Management, Division of Hydrology, Solid Waste Groundwater, 2600 Bull Street, Columbia, SC 29201-1708 (Regulation 61-107.19. Part IV.E.1.b.(2)).
 - b. Upon Departmental approval of the groundwater monitoring plan, install wells and start groundwater monitoring within six (6) months of approval of the plan (Regulation 61-107.19. Part IV.E.1.b.(2)).
 - c. Install scales, if annual tonnage is greater than 10,000 tons, by **November 19, 2009** (Regulation 61-107.19. Part IV.C.13).
 - d. Existing non-governmental industrial on-site landfills that do not have financial assurance shall submit a cost estimate for closure and post-closure to Mr. Marty Lindler, SCDHEC, Bureau of Land and Waste Management, Division of Compliance and Enforcement, 2600 Bull Street, Columbia, SC

29201-1708 for approval by **November 19, 2008**. The cost estimate shall be based upon the closure requirements stated in Regulation 61-107.19. Part I. E.1 and Part IV.F.

- e. Within ninety (90) days of the Department's approval letter for the cost estimate, the landfill shall obtain and submit a financial assurance mechanism to Mr. Pete Stevens, SCDHEC, Bureau of Land and Waste Management, Division of Mining and Solid Waste Management, 2600 Bull Street, Columbia, SC 29201-1708.
- f. Existing landfills may pursue disposal of waste streams outside of the new Regulation's Appendix I list based upon the Department's approval of the waste characterization report (Regulation 61-107.19. Part IV.C.2). The enclosed Waste Characterization Guidance Document is provided to help meet this requirement.
- g. This revision to the regulation now subjects the facility to the NPDES (National Pollutant Discharge Elimination System) permitting program. You are required to submit an application to SCDHEC Bureau of Water for coverage under the NPDES General Permit for Industrial Activities. Information on this permitting program may be found at: <http://www.scdhec.gov/environment/water/swnindustact.htm>

If you have any questions please contact one of the following:

Solid Waste Permitting questions – call Ms. Joan Litton at (803) 896-4264 or Ms. Juli Blalock at (803) 896-4213.

Solid Waste Groundwater questions – call Mr. Keith Collinworth at (803) 896-4040.

Solid Waste Compliance questions – call Mr. Marty Lindler at (803) 896-4205 or Mr. Rob McDaniel at (803) 896-4206

Waste Characterization questions – call Mr. Steve Burdick at (803) 896-4120 or Mr. Rob McDaniel at (803) 896-4206

Financial Assurance questions – call Mr. Pete Stevens at (803) 896-4149

Industrial Stormwater Permitting questions – call Mr. Mel Leaphart at (803) 898-4143.