

WHAT ARE STRUCTURAL FILLS?

Regulation 61-107.19, Part II defines structural fills as landfilling for future beneficial use utilizing a limited waste stream consisting of:

- land-clearing debris;
- hardened concrete;
- hardened/cured asphalt; and
- bricks, blocks and other materials specified by DHEC by regulation.

The structural fill must be compacted and landfilled in a manner acceptable to DHEC, consistent with applicable engineering and construction standards and carried out as a part of normal activities associated with construction, demolition and land-clearing operations. The materials used, however, must not have been contaminated by hazardous constituents, petroleum products or lead-based paint.

Structural fill may not provide a sound structural base for building purposes.

STRUCTURAL FILL SITES: NEW REGULATION REQUIRES REGISTRATION FOR SITES USING A LIMITED WASTE STREAM

On May 23, 2008, a regulation became effective that requires property owners in South Carolina to register structural fill activities that use a limited waste stream consisting of hardened concrete (may include rebar), hardened/cured asphalt, bricks or masonry blocks, and/or land-clearing debris with the S.C. Department of Health and Environmental Control (DHEC).

This requirement is part of Regulation 61-107.19, Solid Waste Management, Solid Waste Landfills and Structural Fill. The regulation sets Permit-by-Rule requirements for structural fill activity when using a limited waste stream. The regulation also defines the minimum standards for the site selection, design, operation and closure of a structural fill activity.

Under the new regulation, a permitted structural fill activity shall have a proposed life of 12 months or less; occupy 1 acre in size or less; and use only those items listed in the box on the left that have not been contaminated by hazardous constituents listed in the S.C. Hazardous Waste Management Regulation 61-79.261 (e.g., pesticides, petroleum products or items painted with lead-based paint).

In addition, a permitted structural fill activity must be consistent with the S.C. Coastal Zone Management Plan if the fill area is located in the coastal zone as defined in S.C. Code Section 48-39-10.B.

If landowners or their agents desire to fill an area on their property using this limited waste stream, they must register with DHEC prior to engaging in the activity. Landowners who already have structural fill activities operating on their property prior to May 23, 2008 shall register their sites with DHEC.

For on-going structural fills that may have exceeded the size and time restrictions, DHEC will permit up to 1 additional acre to be filled within one year. For proposed or existing structural fills that need an area greater than 1 acre and longer than one year to operate, landowners will need to obtain a permit for a landfill prior to accepting waste.

HOW TO REGISTER

To request approval to operate under the Permit-by-Rule, the landowner or the landowner's agent shall submit three copies of the following documents to DHEC, Bureau of Land and Waste Management, Division of Solid Waste Management and Mining, Solid Waste Permitting, 2600 Bull Street, Columbia, SC 29201-1708:

1. A registration form provided by DHEC;
2. A current county map showing the location of the proposed fill area;
3. Proof of ownership or control of the property;
4. Site information to include:
 - a. A written description of the location of the area that will accept the fill material including road names and numbers;
 - b. The source(s) supplying the fill material;
 - c. The anticipated time frame for filling the area;
 - d. The size of the area to be filled;
 - e. The maximum volume the fill area will be capable of receiving; and
 - f. The latitude and longitude coordinates of the proposed fill area.
5. An explanation of how the waste will be compacted and the cover applied.

LOCATION RESTRICTIONS

All proposed structural fill sites are required to meet the following location restrictions.

1. **BUFFERS:** The boundary of the fill area shall not be located within:
 - a. **100 feet of any property line.** Variances may be requested and granted on a case-by-case basis upon submittal of written consent from the adjacent landowner(s);

- b. **200 feet of any residence, school, day-care center, church, hospital and publicly owned recreational park area;**
- c. **200 feet of any surface water that holds visible water for greater than six consecutive months,** excluding ditches and sedimentation ponds;
- d. **100 feet of any drinking water well.** A greater buffer may be required for compliance with DHEC's Bureau of Water requirements;
- e. **The right-of-way of underground or above ground utility equipment or structures** (i.e., water lines, sewer lines, storm drains, telephone lines, electric lines, etc.) without the written approval of the impacted utility; and
- f. **50 feet of any wetlands,** unless the permittee has obtained the permits and/or authorizations required by all other state and federal laws and regulations for the impact of such wetlands.

2. **FILL AREAS** shall be adjacent to or have direct access to roads that are of all weather construction and capable of withstanding anticipated load limits.

The regulation also specifies the design and operational requirements for structural fills. Upon completion of the structural fill, the regulation requires the landowner to meet specific closure standards. In addition, the landowner must record with the appropriate Register of Deeds a notation in the record of ownership of the property that will notify any potential purchaser of the property that the land or a portion thereof has been structurally filled. The notation also must list the specific items used for filling (e.g., clean brick).

FOR MORE INFORMATION

For more information, contact Tim Eleazer with DHEC's Solid Waste Permitting Section at (803) 896-4217 or e-mail eleazetm@dhec.sc.gov. More information also is available at www.scdhec.gov/environment/lwm.

