



**South Carolina Department of Health and Environmental Control
Summary of Responses to Comments**

**ArborNature Construction & Demolition Debris (C&D) Transfer Station
Beaufort County, South Carolina
March 4, 2021**

This summary is being provided in conjunction with the South Carolina Department of Health and Environmental Control's (DHEC) decision to approve the permit application and issuance of a permit for the ArborNature C&D Transfer Station located along Summit Drive in Hilton Head Island, Beaufort County, SC. Operation of this transfer station is for the management of Class 2 wastes, which are listed in Appendix I of Regulation 61-107.19 "Solid Waste Management: Solid Waste Landfills and Structural Fill."

DHEC's mission is to protect and promote the health of the public and the environment. Through the passage of environmental statutes and regulations, the SC General Assembly has established conditions and criteria DHEC follows in the permitting process. DHEC's role is to ensure that a proposed project meets all regulatory requirements that have been established in order to be protective of human health and the environment. If it has been determined that an applicant or application has met all applicable regulatory requirements, DHEC does not have the authority to withhold the issuance of a permit.

As part of the permitting process, DHEC engages surrounding communities and the general public prior to making a final permit decision in order to:

- 1) Provide information about the proposed permitted activities in their communities;
- 2) Give community members and other interested parties an opportunity to submit relevant information to DHEC for consideration prior to making a final permit decision; and,
- 3) Provide an opportunity to submit other concerns to the attention of DHEC and the applicant.

Public meetings and public hearings are methods DHEC uses to hear concerns and receive comments during the permitting process. A public meeting is an informal conversation with DHEC staff to include questions and answers. A public hearing is a formal opportunity for comments to be stated and recorded by a court reporter.

DHEC held virtual public meetings on the proposed ArborNature C&D Transfer Station on September 10 and 24, 2020. A virtual public hearing was also held on October 22, 2020. These events were conducted using a virtual platform in a live-event setting in order to follow local, state, and federal guidelines for social distancing and avoid group gatherings during the COVID-19 pandemic. Recordings of all DHEC virtual public events were posted on DHEC's webpage for the proposed transfer station (www.scdhec.gov/ArborNature) prior to the end of the public comment period. DHEC also extended the period to accept written comments through November 5, 2020.

DHEC values all public comments received during the permitting process and is committed to addressing and considering all relevant information prior to making a final permit decision. Public input is an important part of the permitting process and can result in changes to permit conditions and operational practices if a permit is issued.

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The following responses are being provided in response to comments received during the public comment period, the two Public Meetings, and the Public Hearing for the ArborNature Construction and Demolition Debris (C&D) Transfer Station:

Section 1: SOLID WASTE MANAGEMENT

The principal law governing solid waste management in this state is the South Carolina Solid Waste Policy and Management Act of 1991 (the Act). One of the main purposes of the Act is to ensure that activities associated with solid waste management are executed in a manner to protect human health, safety, and the welfare of the environment.

The passage of the Act acknowledged a growing statewide need to address the generation, management, and disposal of solid waste. The Act allowed the development of regulations to establish minimum standards for solid waste management facilities. Regulation 61-107.7, Solid Waste Management: *Transfer of Solid Waste* (R.61-107.7 or the regulation) became effective on May 28, 1993. This regulation outlines the requirements for permitting the design, construction, operation, maintenance, and closure of transfer stations. R.61-107.7 is available on DHEC's website at: <https://scdhec.gov/sites/default/files/Library/Regulations/R.61-107.7.pdf>.

In reaching the decision to approve the permit application and issuance of a permit for the ArborNature C&D Transfer Station (ArborNature), DHEC staff reviewed all information contained in the application, supplemental information submitted by the applicant, and all public comments to ensure that the requirements of the Act and R.61-107.7 had been met. DHEC has determined that the applicant has met the applicable requirements and is approved to construct and operate the transfer station in accordance with the conditions and limits set forth in Permit No. TRAN-00036.

Section 2: MODIFICATIONS TO DRAFT PERMIT

In response to comments received during the public comment period, DHEC incorporated additional conditions in the final permit. These additional conditions are as follows:

1. The height of the C&D waste stored within the operating area is limited to fifteen (15) feet, unless a lesser height is prescribed by local ordinances.
2. The pad of the operation area, which is the area within the Jersey barriers, shall be constructed of either hardened concrete or asphalt.
3. Due to the proximity of the airport to the facility, dead animals are not allowed at the facility. Should a dead animal be found in the waste, it shall be removed from the operational area immediately and stored in a manner to promote vector and odor control and removed from the facility within twenty-four (24) hours and taken to an appropriate solid waste management facility.
4. If the facility receives putrescible waste or municipal solid waste (MSW), it shall be removed from the operational area immediately and shall be stored in a manner to promote vector and odor control and removed from the facility within 24 hours and taken to an appropriate solid waste management facility.
5. No material may be stored on the ground outside of the approved operational area except that material which is covered under the composting permit and subject to Regulation 61-107.4 "Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals" (R.61-107.4) or covered under another permit or registration.

6. In the event a mandatory evacuation of Hilton Head Island is issued, the Permittee shall cease accepting waste immediately. The Permittee shall also begin removal of waste from the operational area. All waste not removed from the site must be placed in bins. No C&D waste is allowed to remain on the ground. The Permittee shall request approval from DHEC prior to resuming operations after an evacuation occurs.
7. If the site becomes flooded and inundates the operational area, all C&D waste within the operational area at the time of flooding must be removed and the Permittee shall notify the Department. No new waste may be placed in the operational area until all of the impacted waste has been removed.
8. Recyclable materials may be stored at the site for greater than one week as long as the recyclable material has been separated from other waste and stored in a bin to be transported to an appropriate facility. This material is counted as part of the 240 ton maximum storage limit at the site.
9. In the event that any historic or cultural resources and/or archaeological materials are found during the course of the work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of any items, fifty years or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic shards, bricks, worked wood, bone and stone, metal and glass objects and human skeletal materials.
10. All construction stormwater Best Management Practices must be installed, inspected and maintained to hold sediment on-site and to protect any adjacent or downstream critical area, wetlands and waters through the life of the project. Upon completion of construction activities, all disturbed (includes undeveloped) areas, including those impacted for access, must be immediately stabilized.
11. No major construction activities and/or major land use changes may be conducted in the secondary zone shown on the approved plans during the bald eagle nesting season (October 1st – May 15th). Such activities include land clearing, road and home construction, ditch and stormwater excavations, and major utility installations. These activities do not include those associated with operating the transfer station or composting facility.

Some of these conditions are also detailed in subsequent sections.

Section 3: LOCATION, ZONING, AND ALTERNATIVE SITES

DHEC does not choose or propose locations for transfer stations. The applicant selects and submits the site location. DHEC determines if the proposed location is able to meet all regulatory requirements. The rules and ordinances of local governments may also influence where a transfer station can or cannot be located. The requirements of the regulations and local land-use and zoning requirements are all key factors in determining the suitability of a site for a transfer station. If a proposed site location meets the requirements of the Act, regulation, and local zoning, a permit may be issued, regardless of whether a less objectionable location exists.

The Act requires that a solid waste management facility be consistent with local zoning and land-use ordinances – which typically dictate what uses are allowed within certain zoning districts and what uses are compatible when adjacent to other uses, such as residential areas. During the permitting process, the applicant provided DHEC with a letter from the Town of Hilton Head (the Town) (Lewis to Congrove) dated March 16, 2018, stating that the property is in the Town’s Land Management Ordinance’s Light Industrial zoning district and that waste-related services, to include a waste transfer station, are allowed uses. Additionally, DHEC notified the Town of the permit application, public meetings, and public hearing. DHEC did not receive comments from the Town to indicate that the site location is not consistent with their ordinances or that their ordinances are more restrictive than the regulations.

The regulation does not prohibit the siting of a transfer station on a barrier island (see Section 28 for additional information). The evaluation of alternate locations may be required if construction activities will disturb wetlands. As submitted, construction of the ArborNature transfer station will not impact wetlands (see Section 4 for additional information).

Section 4: WETLANDS AND THE NATIONAL WETLANDS INVENTORY

DHEC is aware of the proximity of the transfer station to the surrounding environment. Reg. 61-107.7 “Solid Waste Management: Transfer of Solid Waste,” Section E.5 states:

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

The United States Army Corps of Engineers (US ACE) (in conjunction with DHEC’s Bureau of Water and Office of Ocean and Coastal Resource Management (OCRM)), oversees wetland impacts. Johnson, Mirmiran, & Thompson prepared a wetland delineation for the US ACE to review and determine whether wetlands exist on the 4-acre parcel designated for the proposed ArborNature transfer station.

The US ACE issued an Approved Jurisdictional Determination (Fannin to Grayson) dated May 7, 2018, stating:

“Based on a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Form(s), this office has determined that the referenced site, as shown on the referenced plat, does not contain any aquatic resources, including aquatic resources that would be subject to regulatory jurisdiction under Section 404 of the CWA (Clean Water Act) or Section 10 of the RHA.”

During the public comment period, DHEC was provided copies of the National Wetlands Inventory maps to show that wetlands are present on the 4-acre site. The US ACE indicated in its determination that they reviewed the National Wetlands Inventory Maps. The US ACE decision on May 7, 2018, found that there are no wetlands currently on the site. This determination is valid for five (5) years.

Based on the US ACE determination and the maps provided in the application, the ArborNature transfer station is located at least 200 feet from a designated wetland. Additionally, the project is not expected to have direct impacts on any freshwater wetlands or critical areas.

Section 5: PROPERTY VALUES / ECONOMIC DEVELOPMENT

The Act and regulation require certain buffers to be met and that the transfer station be consistent with local zoning. They do not allow DHEC to consider surrounding property values in the permitting process.

Section 6: BUFFER TO RESIDENCES

DHEC received numerous comments that site activity is too close to residential areas. The regulation requires that the active waste handling area (also referred to as operation area within this document) of the transfer station be at least two hundred feet (200') from all residences, schools, hospitals, and recreational park areas. Comments received indicate that residences are approximately 400' from the site. According to aerial imagery, DHEC has determined that the nearest residence to the waste handling area is approximately 650' away. DHEC's review determined that the buffer requirement to residences is being met.

Section 7: NUISANCE / HEALTH HAZARDS / ODORS / COMPLAINTS

Regulation 61-107.7 "Solid Waste Management: Transfer of Solid Waste," Section F.2, states:

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.

The Permittee has provided plans for preventing these factors from becoming a nuisance or health hazard. However, should any of the plans prove to be inadequate and a nuisance or hazard situation is created, ArborNature will be required to correct the situation and take measures to avoid a repeat occurrence. Failure to correct the situation will be considered a violation of the regulation and the transfer station may be subject to DHEC's compliance/enforcement process.

Section 8: FLOODPLAIN

Regulation 61-107.7 "Solid Waste Management: Transfer of Solid Waste," Section E.14, states:

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

The regulation does not prohibit the location of transfer stations in the floodplain as long as the permittee's engineer demonstrates that the facility does not restrict the flow of a flood. According to the current Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), the ArborNature transfer station is located within the 100-year floodplain. The FEMA FIRM for this area has been updated and approved for release in March 2021. According to the SC Department of Natural Resources (SC DNR) and the Floodplain Manager for the Town, the new maps are currently being used. The updated map indicates that the site is now in the 500-year floodplain and will no longer be in the 100-year floodplain. DHEC has determined that the application is consistent with this regulatory requirement.

Both the Town and SC DNR also confirmed that their respective regulations do not prohibit a waste transfer station within the floodplain.

To address concerns raised about how waste would be handled after flooding events that occur on the island, DHEC added the following condition to the permit:

If the site becomes flooded and inundates the operational area, all C&D waste within the operational area at the time of flooding must be removed and the Permittee shall notify the Department. No new waste may be placed in the operational area until all of the impacted waste has been removed.

Additionally, the Coastal Management Plan (CMP) policies for Commercial Development discourage development in areas where flooding has been a serious and recurring problem. The policies state that development is discouraged but not prohibited. Further, the policies speak to development meeting the Federal Insurance Administration (Department of Housing and Urban Development) building standards. These standards are managed by the local FEMA floodplain manager. The site for the proposed project is proposed to be in Zone X (formerly Zone C) on the updated FEMA Flood Insurance Maps. This mapping designation indicates that the site has a low risk of flooding.

Section 9: TRUCK TRAFFIC, CONDITIONS OF THE ROADS, AND TRAFFIC LIGHTS

DHEC does not have authority to consider truck traffic or road conditions in its permitting process. All issues regarding roads are evaluated by the South Carolina Department of Transportation (SCDOT), Beaufort County, or the Town, depending on who owns the road in question. State roads would typically be under the jurisdiction of the SCDOT and County roads would be under the jurisdiction of Beaufort County or the Town. In response to concerns raised, DHEC contacted the Town regarding the roads and was provided a response in an email dated July 20, 2020, summarized below:

- 1) Summit Drive and Gateway Circle are two-way roads that are maintained by the Town;
- 2) Dillon Road is maintained by the SCDOT;
- 3) There is not currently a stop light at intersection of Gateway and Dillon Road and the intersection would not meet the requirements to warrant a signal to be installed;
- 4) Summit Drive is in fair-to-good condition and will be in need of pavement repairs soon. The truck traffic will accelerate this need; and,
- 5) Trucks are not specifically prohibited from travelling on any roads.

Section 10: QUALITY OF THE APPLICATION

As DHEC reviews applications and throughout the permitting process, application revisions and/or supplemental information are commonly requested to deem the permit application administratively and/or technically complete. Any revisions or supplemental information requested by DHEC are typically for this purpose.

Section 11: SITE ABANDONMENT OR BANKRUPTCY

The Act and regulation require the Permittee to maintain a financial assurance mechanism, assigned to DHEC, to properly close the transfer station in the event of site abandonment or bankruptcy. ArborNature indicated that the cost to properly close the facility is \$34,590. This equals approximately \$144 per ton of material allowed to be stored at the site. Based on disposal cost data, hauling fees, the location of the nearest disposal facility, and conversations with others in the waste industry, DHEC has determined that this amount is sufficient to properly close the facility. The Permittee has provided an adequate financial assurance mechanism to DHEC for closure.

Should groundwater monitoring be required in the future, the Permittee would be required to provide adequate financial assurance for monitoring the site until all groundwater protection standards are met.

Section 12: OUT-OF-COUNTY AND OUT-OF-STATE WASTE

The Act requires counties to develop a plan to manage solid waste generated within its jurisdiction. This plan is called a Solid Waste Management Plan (SWMP). Counties can develop a Regional Plan in conjunction with other counties or a county can submit an individual plan. That plan describes how a county, or a region, will properly manage its waste and describes what types of solid waste management facilities are necessary. DHEC is not authorized to dictate where counties send their waste or what solid waste management facilities are necessary for the proper management of the waste. DHEC is responsible for reviewing the SWMP to determine if a proposed solid waste management facility is consistent with the SWMP. Beaufort County developed an individual solid waste management plan. DHEC has determined that the ArborNature C&D Transfer Station, as proposed, is consistent with the February 2013 Beaufort County SWMP.

Various court decisions through the years have determined that DHEC cannot prevent a facility from accepting out-of-state waste. Waste is considered a commodity and restricting its transportation and disposal across state lines is a violation of Interstate Commerce as decided by Northeast Sanitary Landfill vs. DHEC in 1994.

Section 13: HEIGHT RESTRICTIONS

The regulation does not provide a height restriction for waste at a transfer station. DHEC has performed calculations (shown below) to further investigate possible heights of the waste to be stored within the active waste handling area. ArborNature is permitted to store 240 tons of debris within the active waste handling area of the transfer station. The size of the operating area is 116 feet X 68 feet, which is equal to 7,888 square feet, or 876 square yards. The average density of construction and demolition debris is approximately 0.24 tons/cubic yard. The following calculations show how high the proposed storage limit would be over the waste handling area:

$240 \text{ tons} / 0.24 \text{ tons /cubic yard} = 1,000 \text{ cubic yards}$

$1,000 \text{ cubic yards} / 876 \text{ square yards} = 1.14 \text{ yards}$

$1.14 \text{ yards} * 3 \text{ feet/yard} = 3.42 \text{ feet (Height of pile)}$

If waste were spread evenly over the entire operating area, the height of the waste would be 3.42 feet. If it were spread evenly over half of the operating area, the maximum height would be 6.84 feet. If it were spread evenly over one quarter of the operating area, the maximum height would be 13.68 feet. Based on this information and in consideration of comments received during the public comment period, DHEC has added a condition to the permit to limit the height of the waste to 15 feet.

Section 14: EXPERIENCE REQUIRED TO OBTAIN A TRANSFER STATION PERMIT

Experience as a transfer station operator is not specifically required in South Carolina to obtain a transfer station permit. As part of the permitting process, an applicant submits a Disclosure Statement to DHEC containing a description of the experience and credentials issued to or held by the applicant within the past five years, including any past or present permits or licenses for the collection,

transportation, treatment, storage, or disposal of solid waste. The Disclosure Statement submitted as part of this permitting process did not indicate a reason to deny a permit.

Section 15: GROUNDWATER PROTECTION AND MONITORING

The ArborNature C&D Transfer Station is only allowed to accept items listed in Appendix I of Reg. 61-107.19 "Solid Waste Management: Solid Waste Landfills and Structural Fill," generally referred to as Construction and Demolition Debris (C&D Debris). These wastes have a low probability of leaching constituents which could contaminate groundwater. C&D Debris is generally disposed in Class 2 Landfills, which are not required to be lined. Therefore, DHEC has determined that the ArborNature facility, which is for temporary storage, does not require a liner. DHEC can require groundwater, surface water, and/or air quality monitoring, as appropriate, if environmental and/or health problems are confirmed to be associated with the solid waste transfer station.

Unlike landfills where waste is disposed of permanently, groundwater monitoring is not required for the temporary storage of waste.

Section 16: HISTORIC CONSIDERATIONS

Because the ArborNature facility is located in Beaufort County, which is in the Coastal Zone of South Carolina, a Coastal Zone Consistency (CZC) determination is required before a solid waste permit can be issued. DHEC's Office of Coastal Resource Management (OCRM) conducts the CZC determination, which includes consultation with the State Historic Preservation Office (SHPO). OCRM provides the Solid Waste Permitting and Monitoring Section any specific conditions or requirements to be included in the permit in order for the facility to be consistent with the requirements of the CZC determination.

In a letter dated March 8, 2018 (Lewis to Silliman), SHPO stated: "If the Hiltech Parcel were to require state permits or federal permits, licenses, funds, loans, grants, or assistance for development, we would recommend to the federal or state agency or agencies that additional cultural resources/historic property identification survey are not needed."

Because of the transfer station's proximity to the Gullah Geechee Cultural Heritage Corridor, a representative of the Gullah Community was notified by mail of the proposed transfer station and provided an opportunity to submit comments.

Section 17: BALD EAGLE NESTING SITE

During the initial CZC determination, the SC Department of Natural Resources (SC DNR) did not identify any bald eagle nests in the area. When the site layout was modified by the applicant to move the operational area in September 2020, the CZC determination was updated. As part of the update, the SC DNR identified a bald eagle nest near the site. The following condition has been added to the permit to address the bald eagle nesting site identified when the CZC determination was updated:

"No major construction activities and/or major land use changes may be conducted in the secondary zone as shown on the approved plan during the bald eagle nesting season (October 1st - May 15th). Such activities include land clearing, road and home construction, ditch and stormwater excavations, and major utility installations.

These activities do not include those associated with operating the transfer station or composting facility.”

In addition, the site map has been updated to show the secondary zone.

Section 18: DETERMINATION OF DRAINAGE FEATURE

A drainage feature is located to the north-northeast of the site. This feature was designated as a drainage ditch by the consultant who conducted the wetlands survey of the 4-acre parcel designated for the transfer station site. In a joint memorandum from the US ACE and the US Environmental Protection Agency (US EPA) dated July 24, 2020, a ditch is defined as “a constructed or excavated channel used to convey water” and a drainage ditch is defined as “a ditch where increasing drainage of a particular land area or infrastructure is at least part of the designed purpose. This includes the following ditch use categories: agricultural, transportation (e.g., roadside, railroad), mosquito abatement, and stormwater management.”

A copy of the letter can be found on DHEC’s web page for the ArborNature site at www.scdhec.gov/ArborNature.

DHEC has made a determination that the feature is a drainage ditch. This determination is based on the following:

- 1) Discussions with the US ACE;
- 2) Review of the United States Geological Survey (USGS) maps, which shows the feature as straight lines, generally indicating a drainage ditch;
- 3) First-hand observance of the feature. During a walk through, DHEC staff noted that the ditch was constructed in straight lines and had steep slopes; and,
- 4) Review of plans and drawings provided to DHEC by the Town showing the design of the drainage ditch that was approved as part of a drainage improvement project for the airport.

The active waste handling area is required to be located at least two hundred (200) feet from any surface water, excluding drainage ditches and sedimentation ponds. As such, DHEC would not require a 200’ buffer from the active waste handling area to the drainage ditch. In consideration of comments heard during the DHEC public meetings and public hearing, the Applicant has elected to move the waste handling area, providing a 200’ buffer to the drainage ditch.

Section 19: STORMWATER REQUIREMENTS AND SURFACE WATER MONITORING

The ArborNature site is required to be designed in accordance with the regulatory requirements contained in the South Carolina National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities (NPDES CGP). Accordingly, the site is required to have a stormwater management system that provides water quality control both during construction and post-construction and water quantity control for post-construction. Stormwater runoff will be controlled by various sediment and erosion control best management practices during construction. Ditches that lead to an infiltration basin will manage stormwater runoff post-construction.

In many areas of South Carolina, local government has the responsibility of performing the necessary technical review as an approved Municipal Separate Storm Sewer System (MS4) entity. MS4s are regulated by DHEC through another component of the NPDES program. The Town of Hilton Head is a regulated MS4 and is performing the necessary technical review. Permit coverage under the NPDES

CGP, which is issued by DHEC, is determined by the technical review performed and approval of the stormwater management plan by the Town. A Coastal Zone Consistency determination from DHEC's Office of Ocean and Coastal Resource Management (OCRM) is also necessary for permit coverage under the NPDES CGP.

DHEC's Solid Waste Permitting and Monitoring Section has confirmed with the Stormwater Permitting Section that operations at the site, as submitted, do not require an Industrial Stormwater Permit.

Section 20: WASTE HANDLING

Due to the nature of operations at transfer stations, all loads can be visually inspected as the material is unloaded in the waste handling area. As recyclables are being separated and removed, any unauthorized waste can be separated and placed in an appropriate bin to be taken off-site within 24 hours, as required (see Section 22 for additional information).

Section 21: ACCEPTABLE WASTES

The ArborNature transfer station is allowed to only bring in Class 2 wastes, generally referred to as C&D Debris. The acceptable wastes are listed in Appendix I of Reg. 61-107.19 and includes, but is not limited to: concrete, asphalt, shingles, land-clearing debris, glass, pallets, pipes, mattresses, asbestos-containing material, tile, painted waste (including lead-based paint), and lumber.

Section 22: UNACCEPTABLE WASTES

Wastes that cannot be accepted at the ArborNature transfer station include all items listed in Appendix II of Reg. 61-107.19. Other wastes that cannot be accepted include municipal solid waste (MSW), radiological waste, hazardous waste, and infectious waste. In response to comments received during the public comment period, DHEC has added a condition to the permit which prohibits dead animals at the facility. If MSW or animal carcasses are found, they are required to be immediately removed from the waste and placed into an appropriate container to be removed from the facility within 24 hours.

Section 23: COMPOSTING PERMIT

In addition to the transfer station application, the applicant submitted a separate application for a composting facility also to be located at this site. The composting application was reviewed by DHEC in accordance with Reg. 61-107.4 "Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals". The composting permit (Permit #COM-00235) has not yet been issued. DHEC will notify you when that permit is issued.

Section 24: REVIEW OF REGULATIONS

DHEC is required to review the solid waste regulations every five years. DHEC is considering recommendations to improve the existing regulations based on many of the comments made during this permitting process.

Section 25: ASBESTOS

Federal and state asbestos regulations typically do not apply to work done in or on residential buildings that have four or fewer dwelling units. If a homeowner hires a licensed asbestos contractor to remove materials, make repairs, renovate, or demolish their home, the licensed asbestos contractor must comply with all state regulations for asbestos removal. Asbestos removed by a licensed asbestos contractor would not be allowed at the ArborNature C&D Transfer Station, as that material is required to go straight to a permitted disposal facility such as a Class 2 Landfill. Unregulated asbestos is an acceptable waste at the transfer station. Asbestos-containing materials removed by anyone other than a licensed asbestos contractor are not regulated by DHEC and could potentially be disposed of at the ArborNature transfer station.

Section 26: LENGTH OF TIME FOR MATERIAL TO STAY ONSITE

Transfer stations are not designed for waste to stay onsite for long periods of time. Once waste comes to the facility, it is placed in the waste handling area where workers can remove recyclable materials before the waste is reloaded for disposal off-site. Reg. 61-107.7 "Solid Waste Management: Transfer of Solid Waste," Section F.5 states:

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.

The ArborNature transfer facility may store C&D waste outside for no longer than one week since it is non-putrescible and typically bulky. All putrescible waste and dead animals must be removed from the premises within 24 hours, as stipulated in the permit.

Section 27: PROXIMITY TO THE AIRPORT

The regulation does not require transfer stations to provide a buffer to airports. DHEC received a letter from a representative of the airport adjacent to the transfer station requesting that dead animals be removed as an acceptable waste at the site due to the likelihood of attracting vectors and/or birds. In response, DHEC has added a condition to the permit prohibiting dead animals at the site.

Section 28: OTHER TRANSFER STATIONS

DHEC received numerous comments and questions on the number of transfer stations permitted on barrier islands of the state and/or within a floodplain. Daufuskie Island currently has two permitted transfer stations (Melrose and Haig Point Transfer Stations). Both facilities are permitted to accept municipal solid waste (MSW) and are located within Zone C on the FEMA FIRM, which indicates areas of minimal flooding. Both facilities contain a roof but are not enclosed buildings. The Melrose Transfer Station is permitted to have roll-off containers stored outside for C&D Debris.

The Town of Mt. Pleasant also has a permitted C&D Transfer Station. It was permitted without a building or roof and is located in the 500-year floodplain. The Town of Mt. Pleasant is currently updating the site and constructing a building for its operations to be consistent with the zoning ordinance. The building is not required by DHEC, as it only handles C&D waste.

Other transfer stations that are located in close proximity to the coast are permitted in the City of Myrtle Beach and the City of North Myrtle Beach. These facilities are adjacent to the Intracoastal Waterway and are permitted to accept MSW. Both of these facilities are covered but are not enclosed buildings.

Section 29: WATER SUPPLY WELLS

The issuance of a transfer station permit does not allow the applicant to construct a water supply well at this site. While the plans indicate that a well may be constructed, the applicant is required to obtain all necessary permit(s) for construction.

Section 30: SOUND BARRIERS

Although sound and/or noise from transfer stations are not regulated by DHEC, local zoning ordinances may address noise at industrial sites and determine acceptable levels off-site. DHEC requires the facility to be consistent with all local zoning ordinances.

Section 31: CONTINGENCY PLAN AND HURRICANES

During its first public meeting, DHEC was asked to consider requiring the applicant to add a hurricane contingency plan. In response, DHEC requested the applicant to address the concern by updating the application. The application was updated and DHEC proposed adding conditions to the permit to state that waste should be removed from the site in response to any hurricane warning issued. DHEC presented the information in the Public Hearing. In response to that, DHEC has received many comments that it would be very difficult to remove the material during an evacuation and that the extra truck traffic would impede the evacuation efforts. Therefore, DHEC has modified the permit condition. DHEC has determined that the 240 tons of debris is very negligible in relation to the debris potential for the island and that the C&D Debris poses little threat to the environment or human health if left onsite.

Section 32: OWNERSHIP OF THE PROPERTY

The applicant provided a General Warranty Deed with its permit application to DHEC, showing that the Town sold the 4-acre parcel to Congrove Enterprises, LLC. The Deed is dated February 26, 2020, signed by Mayor John McCann and Town Manager Stephen Riley, and includes a stamp showing that it was filed with the Beaufort County Register of Deeds.

Section 33: HOURS OF OPERATION

The applicant has indicated in the operations plan that he plans to operate from 7 am – 5 pm Monday-Friday. By issuance of the permit, DHEC is approving the hours in the operating plan.

Section 34: ENVIRONMENTAL IMPACT STUDY

An Environmental Impact Statement (EIS) is authorized for federally permitted projects under the National Environmental Policy Act (NEPA). An EIS is not required for permits issued by the State of South Carolina.

Section 35: FIRE

DHEC has received many comments related to the potential for a fire at the site. The applicant was required to provide a letter from the local fire department and indicate methods to be undertaken to minimize the potential for fire. Additionally, the application details how a fire will be handled should it occur. Limiting the height of the C&D waste pile is also intended to help minimize any fire occurrence.

Section 36: INSPECTIONS

Solid waste transfer stations are inspected once per quarter, or four times per year. In response to comments received during the public comment period, DHEC has committed to inspecting this facility once a month for the first year and then transitioning to quarterly if the permittee has demonstrated that the facility is operating within the requirements of the regulation and permit. These inspections will be unannounced.