



SOUTH CAROLINA ASSOCIATION OF COUNTIES

Charles T. Jennings, President
McCormick County

Michael B. Cone
Executive Director

June 11, 2019

REGULATIONS UPDATE

To: County Administrative Officers

From: Susan Turkopuls

Subject: **DHEC: Solid Waste Management – Solid Waste Processing Facilities**
DHEC: Clean Water and Drinking Water Intended Use Plans for State Revolving Loan
DHEC: Hazardous Waste Management Regulations (Doc. No. 4883)
DHEC: Hazardous Waste Management Regulations (Exempt) (Doc. No. 4882)
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(Doc. No. 4812)
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SCDOT: Transportation Project Prioritization (Doc. No. 4839)
DHEC: Hazardous Waste Management Regulations (Doc. No. 4841)
LLR: Veterinary Medicine and Animal Shelters (Doc. No. 4859)

Please take note of the following items of interest from the STATE REGISTER. PLEASE CIRCULATE TO APPROPRIATE STAFF FOR REVIEW AND COMMENT. To view any proposed or final regulation online, go to <http://www.scstatehouse.gov/regnsrch.php>. You can search by document number, subject or agency. If you have any questions or comments, or are interested in obtaining a copy of any regulation, please call the SCAC offices at 1 800 922 6081.

DRAFTING NOTICES

DHEC: Solid Waste Management – Solid Waste Processing Facilities

DHEC proposes amending R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to adopt federal amendments to associated standards promulgated from January 1, 2018, through December 31, 2018.

DHEC also proposes amending R.61-62.60, Subpart Cf, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, and Subpart DDDD, Emissions Guidelines and Compliance Times for

Commercial and Industrial Solid Waste Incineration Units, to clarify the applicability and scope of United States Environmental Protection Agency (EPA) emission guidelines provisions incorporated by the Department, and to ensure compliance with federal law.

A section-by-section discussion of the proposed amendments may be viewed online at https://www.scstatehouse.gov/state_register.php?first=FILE&pdf=1&file=Sr43-5.pdf

Interested persons may submit comment(s) on the proposed amendments to Anthony Lofton of the Bureau of Air Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; by fax at 803-898-4487; or by email at loftonat@dhec.sc.gov. To be considered, the department must receive the comment(s) by 5:00 p.m. on June 24, 2019, the close of the public comment period. Comments received during the write-in public comment period by the deadline set forth above will be submitted by the Bureau to the S.C. Board of Health and Environmental Control (“Board”) in a Summary of Public Comments and Department Responses for the Board’s consideration at the public hearing. The Board will conduct a public hearing on the proposed amendments during its August 8, 2019, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>.

DHEC: Clean Water and Drinking Water Intended Use Plans

DHEC and the Rural Infrastructure Authority jointly administer two revolving loan fund programs that provide low-interest loans to publicly owned drinking water and wastewater utilities and other eligible entities to finance infrastructure needed to maintain compliance with the federal Safe Drinking Water Act (SDWA) and federal Clean Water Act (CWA).

DHEC has posted a Draft FFY 2019 CWIUP and Draft FFY 2019 DWIUP on DHEC’s website at <http://www.scdhec.gov/srf>. The IUPs describe how the funds in each loan program will be used during State Fiscal Year (SFY) 2020 (July 1, 2019 - June 30, 2020) including the projects that are candidates for funding in SFY 2020. The IUPs also describe the program requirements and project funding requirements for the coming year.

In developing the IUPs, the SDWA and CWA each require that states develop a comprehensive list of potential projects to be funded by their respective funding source and rank them in priority order. The Comprehensive Priority Lists (CPLs) of DWSRF and CWSRF projects are posted on the DHEC website, <http://www.scdhec.gov/srfforms>, and updated periodically as new projects are submitted, funded, or canceled by their sponsors. Projects are ranked in accordance with a Priority Ranking System developed for each program. Projects must be on a published CPL to be selected as candidates to receive an SRF-funded loan for SFY 2020.

DHEC invites interested members of the public and utilities to review and submit written comments on the draft IUPs, and the CPLs. Comments should be directed to Charles Gorman, DHEC BOW, 2600 Bull Street, Columbia, SC 29201-1708, or by e-mail, gormancm@dhec.sc.gov. This document and all documents mentioned in this notice are posted on DHEC’s website at <http://www.scdhec.gov/srf>. For questions or a copy of the documents contact Lynne LaSalle at (803) 898-4395, or Lynne.Lasalle@dhec.sc.gov. Comments received before 5 PM on July 8, 2019 will be considered when finalizing the IUPs.

PROPOSED REGULATIONS

DHEC: Hazardous Waste Management Regulations (Doc. No. 4883)

DHEC proposes adopting the “Revisions to the Definition of Solid Waste Rule,” published on January 13, 2015, at 80 FR 1694-1814 and May 30, 2018, at 83 FR 24664-24671. This United States Environmental Protection Agency (“EPA”) rule revised several recycling-related provisions issued under the authority of Subtitle C of the Resource Conservation and Recovery Act. The purpose of these revisions is to encourage recycling of hazardous waste. EPA Checklist 233D2 (2008 DSW exclusions and non-waste determinations, including revisions from 2015 DSW final rule and 2018 DSW final rule) and Checklist 233E (Remanufacturing Exclusion) describe the proposed amendments. These checklists may be found at <https://www.epa.gov/rcra/rule-checklists-applications-state-authorization-under-resource-conservation-and-recovery-act>.

The Department also proposes amending R.61-79 to correct typographical errors, citation errors, and other errors and omissions that have come to the Department’s attention, such as correcting form references, adding language that was erroneously omitted during adoption of previous rules, and other such changes.

A section by section discussion of the proposed regulation may be viewed online at https://www.scstatehouse.gov/state_register.php?first=FILE&pdf=1&file=Sr43-5.pdf. Full text of this regulation is available on the South Carolina General Assembly home page: <http://www.scstatehouse.gov/regnsrch.php>.

Interested persons may submit comment(s) on the proposed amendment to Joe Bowers of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; bowersjb@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on June 24, 2019, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendment during its November 7, 2019, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>.

DHEC: Hazardous Waste Management Regulations (Exempt) (Doc. No. 4882)

DHEC proposes amending R.61-79 to adopt three final rules published in the Federal Register by the United States Environmental Protection Agency (“EPA”). The EPA requires state adoption of these rules, as the rules do not revise existing standards to make them less stringent. The “Revisions to the Definition of Solid Waste, Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule,” published on May 30, 2018, at 83 FR 24664-24671, revises several recycling-related provisions associated with the definition of solid waste under Subtitle C of the Resource Conservation and Recovery Act (“RCRA”) and portions of the original rule that were vacated by the United States Court of Appeals for the D.C. Circuit. The “Confidentiality Determinations for Hazardous Waste Export and Import Documents,” published on December 26, 2017, at 82 FR 60894-60901, amends existing export and import hazardous waste regulations by applying a confidentiality determination for documents related to the export, import, and transit of hazardous waste, and export of excluded cathode ray tubes. The “Hazardous Waste Electronic Manifest System User Fee; Final Rule,” published on January 3, 2018, at 83 FR 420-462, establishes the methodology the EPA uses to determine and revise user fees applicable to the electronic and paper manifest to be submitted to the national Hazardous Waste Electronic Manifest

System that became operational nationwide on June 30, 2018. Adoption of this rule is required to comply with federal law and will bring R.61-79 into conformity with the federal regulations.

The Administrative Procedures Act, S.C. Code Ann. Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes the amendments for compliance with federal law.

A section by section discussion of the proposed regulation may be viewed online at https://www.scstatehouse.gov/state_register.php?first=FILE&pdf=1&file=Sr43-5.pdf. Full text of this regulation is available on the South Carolina General Assembly home page: <http://www.scstatehouse.gov/regnsrch.php>.

Interested persons may submit comment(s) on the proposed amendment to Joe Bowers of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; bowersjb@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on June 24, 2019, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendment during its November 7, 2019, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>.

FINAL REGULATIONS

Criminal Justice Academy: Denial of Certification for Misconduct (Doc. No. 4813)

The Law Enforcement Training Council amended R.37-025. Denial of Certification for Misconduct. To view the final regulations online, go to <http://www.scstatehouse.gov/regnsrch.php> and search by document number.

Criminal Justice Academy: Withdrawal of Certification of Law Enforcement Officers (Doc. No. 4812)

The Law Enforcement Training Council amended R. 37-026. Withdrawal of Certification of Law Enforcement Officers. To view the final regulations online, go to <http://www.scstatehouse.gov/regnsrch.php> and search by document number.

Board of Education: School Resource Officers (Doc. No. 4831)

The State Board of Education created R.43-210, to establish a definition of “school resource officers,” along with expectations, roles, and procedures associated with these individuals. To view the final regulations online, go to <http://www.scstatehouse.gov/regnsrch.php> and search by document number.

Building Codes Council: Adoption of International and National Codes

The South Carolina Building Codes Council amended the following code of regulations to comply with 2018 International and National Codes:

International Building Code (Document No. 4847)
International Fire Code (Document No. 4865)
International Fuel Gas Code (Document No. 4866)
International Mechanical Code (Document No. 4869)
International Residential Code (Document No. 4868)
National Electrical Code (Document No. 4867)

To view the final regulations online, go to <http://www.scstatehouse.gov/regnsrch.php> and search by document number.

SCDOT: Transportation Project Prioritization (Doc. No. 4839)

South Carolina Department of Transportation (SCDOT) amended Regulation 63-10 regarding SCDOT's Transportation Project Prioritization to combine both state funded and federally funded projects in one program document: the "State Transportation Improvement Program" ("STIP"). This change would eliminate the need for a separate "State Program" document. Therefore, the amendments also eliminate references to a separate "State Program."

To view the final regulations online, go to <http://www.scstatehouse.gov/regnsrch.php> and search by document number.

DHEC: Hazardous Waste Management Regulations (Doc. No. 4841)

The Department of Health and Environmental Control ("Department") amended R.61-79, Hazardous Waste Management Regulations, to adopt the Environmental Protection Agency's ("EPA") Hazardous Waste Generator Improvements Rule published November 28, 2016, at 81 FR 85732-85829. The amendments support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner.

The amendments reorganize the hazardous waste generator regulations to improve their usability by the regulated community, provide a better understanding of how the Resource Conservation and Recovery Act ("RCRA") hazardous waste generator regulatory program works, address gaps in existing regulations to strengthen environmental protections, provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner, and make technical corrections to address inadvertent errors and remove obsolete references to programs that no longer exist. The EPA periodically promulgates regulations that are either mandatory for authorized state programs to adopt or maintain program equivalency or are optional for states because the changes are less stringent than the current federal regulations. While the majority of the EPA's Hazardous Waste Generator Improvements Rule is equivalent to current state regulations and optional for state adoption, several provisions are more stringent and must be adopted by the Department to maintain federal program authorization. Due to the interrelated nature of the equivalent provisions and the more stringent provisions, the Department has adopted the rule in a single drafting that required General Assembly review.

To view a section by section discussion of the amendment, go to <http://www.scstatehouse.gov/regnsrch.php> and search by document number.

LLR: Veterinary Medicine and Animal Shelters (Doc. No. 4859)

The South Carolina Board of Veterinary Medical Examiners to amended R.120-12 to comport with the requirements of 2016 Act No. 274 regarding animal shelters. To view the final regulations online, go to <http://www.scstatehouse.gov/regnsrch.php> and search by document number.