

BUREAU OF LAND & WASTE MANAGEMENT

SOUTH CAROLINA

HAZARDOUS WASTE CONTINGENCY FUND

ANNUAL REPORT



FISCAL YEAR 2020



Dr. Edward Simmer, MD, Director

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About this Report

The S.C. Hazardous Waste Contingency Fund Annual Report is submitted by the S.C. Department of Health and Environmental Control (DHEC) in compliance with the S.C. Hazardous Waste Management Act (HWMA), S.C. Code of Laws § 44-56-180.

Additionally, Act 119 of 2005 mandates that agencies provide all reports to the General Assembly in an electronic format.

This report provides a summary of the activities and response actions in fiscal year (FY) 2020 (July 1, 2019 to June 30, 2020) under the authority of the HWMA as well as the status of the Hazardous Waste Contingency Fund (HWCF).



DHEC contractors install the passive, in situ groundwater treatment system at the Stoller Site in Charleston County.

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Acronyms

- CERCLA** - Comprehensive Environmental Response, Compensation and Liability Act
- FS** - Feasibility Study
- FY** - Fiscal Year
- HWCF** - S.C. Hazardous Waste Contingency Fund
- HWMA** - S.C. Hazardous Waste Management Act
- NCP** - National Contingency Plan
- NPL** - National Priority List
- PRP** - Potential Responsible Party
- PSF** - Permitted Site Fund
- RD/RA** - Remedial Design/ Remedial Action
- RI** - Remedial Investigation
- ROD** - Record of Decision
- RP** - Responsible Party
- RP VCC** - Responsible Party Voluntary Cleanup Contract
- USF** - Uncontrolled Sites Fund

Report Contributors

BUREAU OF LAND & WASTE MANAGEMENT

- Bureau Chief..... **Henry Porter**
- Assistant Bureau Chief..... **Don Siron**
- Director, Division of Waste Management **Stacey French**
- Director, Division of Site Assessment, Remediation & Revitalization **C. Kendall Taylor**
- Manager, State Remediation Section **R. Gary Stewart**
- State Remediation Section **Sallie Williams**
- Layout/Graphics..... **Gregg Glymph**

Photos

FRONT COVER: A fire at Able Contracting, Inc. burns a stockpile of unprocessed and partially processed material.

BACK COVER: Pictured is the Able Contracting, Inc. Site in January 2020 after remedial activities were completed.



Introduction

The mission of the S.C. Department of Health and Environmental Control (DHEC) is to improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment.

DHEC accomplishes this mission, in part, with the support of the Hazardous Waste Contingency Fund (HWCF). The HWCF was established in the early 1980s by the S.C. Hazardous Waste Management Act (HWMA) to ensure the availability of funds for contingencies arising from necessary actions at permitted hazardous waste landfills and to defray the costs of governmental response actions at uncontrolled hazardous waste sites.

In FY20:

- **DHEC's Division of Waste Management** (with funding support from the Permitted Site Fund) **continued to support staff with responsibility for technical oversight, inspection and compliance monitoring activities** at the former commercial hazardous waste landfill (Pinewood Facility) in Sumter County.
- **DHEC's Division of Site Assessment, Remediation and Revitalization (SARR) directed work at about 280 uncontrolled waste sites with funding support from**

the HWCF's Uncontrolled Sites Fund (USF).

While cleanup activities at most of these sites are funded and performed by responsible parties with oversight from DHEC staff [Potentially Responsible Party-lead (PRP) sites], most of the agency's expenditures from the USF occur at a smaller number of state-lead sites where responsible parties may be bankrupt, defunct, or otherwise unwilling or unable to, perform response actions.

Revenue for the USF is generated primarily by fees imposed on hazardous waste generators in South Carolina. Over the past few years, expenditures have greatly exceeded revenue and the USF balance has dropped to its lowest level since the 1980s. DHEC relies heavily on the USF for contractual services and salaries of staff who oversee cleanup actions and to meet the state's cost share obligations on certain sites being addressed by the U.S. Environmental Protection Agency.

Without additional long-term funding, DHEC's capacity to respond to releases of hazardous substances will be severely limited. In turn, this results in potential risk to human health and the environment. Given that, DHEC has requested \$1,051,172 in additional recurring state appropriations.



Firefighters reposition a ground-based water cannon to a hot spot at the Able Contracting Site.

Uncontrolled Sites Fund: FY20 Actions

SECTION 2

The Uncontrolled Sites Fund (USF) supported activities at about 280 sites in fiscal year (FY) 2020 (July 1, 2019 to June 30, 2020). Activities included:

- **Emergency response, removal, and remedial actions;**
- **Sampling and analysis;**
- **Technical reviews and oversight;**
- **Project management;**
- **Public participation and outreach;**
- **Potentially responsible party (PRP) searches;**
- **Cost recovery;**
- **Negotiation of voluntary cleanup contracts and other settlements; and**
- **Support for the investigation and cleanup of contaminated sites.**

Site-specific expenses ranged from a few hundred dollars to nearly \$5 million in contractor costs for investigation and cleanup. A few FY20 highlights are described below.

ABLE CONTRACTING SITE

Able Contracting, Inc. (Able) operated a solid waste material processing facility in Jasper County. By the summer of 2019, Able's stockpile of unprocessed and partially processed material covered about four acres and was about 50 feet high.

Material in the stockpile ignited and resulted in the release of hazardous substances, pollutants and contaminants into the environment. Able employees and local fire officials could not extinguish the fire.

RESPONSE TIMELINE

- **August 2019** – DHEC's State Remediation Program, in coordination with the U.S. Environmental Protection Agency (EPA), initiated an emergency response action to extinguish the smoldering fire and prevent further releases of hazardous substances.
- **Mid-August 2019** – DHEC transitioned to EPA taking the lead-agency position.
- **Mid-October 2019** – DHEC resumed the lead-agency position.
- **August 2019 to January 2020** – DHEC and EPA removed about 115,600 tons of material from the site (DHEC – 79,000 tons, EPA – 36,600).

DHEC spent about \$5 million conducting response actions at the Able Site. Funding came from various sources, including the Hazardous Waste Contingency Fund (HWCF), the Solid Waste Emergency Fund, and other DHEC funds.

The majority of DHEC's personnel costs were incurred by staff funded by the USF. In early FY21, DHEC filed a complaint against the Able defendants seeking reimbursement of all costs incurred by DHEC.

PHILIP SERVICES CORPORATION SITE

Located in York County, this site – previously known as ThermalKem – operated as an interim status hazardous waste treatment, storage, and disposal facility until bankruptcy in 2003.

Since 2003, DHEC has conducted extensive investigations, upgraded and operated the interim groundwater treatment system, conducted community relations activities, and continued settlement negotiations with the Philip Services Corporation potentially responsible parties (PRP) group, which represents more than 1,700 PRPs.

In FY20, DHEC continued operating the groundwater pump and treat system and reached a tentative settlement with the PRP group. During the public comment period, the U.S. Department of Justice (DOJ), on behalf of federal agency PRPs, objected to the settlement. DHEC, the PRP group, and the DOJ will continue working toward finalizing a settlement in FY21.

In FY20, DHEC spent \$463,618 on this site, including \$404,000 in direct contractor costs.

STOLLER CHEMICAL SITE

Stoller Chemical, in Charleston County, is a former interim status hazardous waste treatment, storage, and disposal facility. It was a manufacturer of micronutrient fertilizers. Soil, sediment, and groundwater were impacted due to releases of hazardous substances. Previous DHEC actions included solidifying and disposal of waste, removing impacted sediments from Caw Caw Swamp, and treating onsite groundwater contamination.

In FY20, DHEC installed a passive treatment system to address offsite groundwater contamination. Long-term groundwater monitoring will continue. In FY20, DHEC spent more than \$2.6 million at Stoller. Some of this money came from the HWCF, but most of the funding came from a settlement with responsible parties.

CONGAREE RIVER SITE

A section of the Congaree River in downtown Columbia (Lexington and Richland counties) was impacted by releases of “tar-like material” that originated from a manufactured gas plant that operated on Huger Street from 1906 until the mid-1950s. Dominion Energy (Dominion) is addressing the site under a responsible party voluntary cleanup contract.

Because this material is on the bed of a major river, there are numerous technical and regulatory challenges with removing it. DHEC, Dominion, and many public and private stakeholders worked together to reach an agreement on a strategy that will result in the

removal of the tar-like material that poses the greatest threat of exposure.

In FY20, DHEC held a public meeting to seek input on the proposed cleanup approach. After the public comment period ended, Dominion began preparing documents necessary to obtain approval from the U.S. Army Corps of Engineers and submitted a permit application early in FY21. In FY20, DHEC incurred about \$19,110 in oversight costs. Contractor costs are being paid by Dominion.

RESPONSIBLE PARTY VOLUNTARY CLEANUP CONTRACTS & CONSENT AGREEMENTS/ORDERS

During FY20, DHEC negotiated and executed:

- **Five Responsible Party Voluntary Cleanup Contracts (RP VCCs);**
- **Five RP VCC amendments;**
- **One consent agreement amendment; and**
- **One letter agreement.**

Staff were actively negotiating four additional VCCs at the end of the FY. These contracts and agreements provide for DHEC oversight of activities funded by responsible parties and reimbursement of DHEC’s past costs and future oversight costs.

EPA REMOVAL SITES

DHEC provided support to EPA’s Emergency Response and Removal Branch actions at two sites (Able and Galey & Lord). The EPA-lead work at the latter site included evaluating offsite contamination and providing water filters for private drinking water wells.



Pictured is a completed passive, in situ groundwater treatment system installed at the Stoller Site in Charleston County.

Uncontrolled Sites Fund: History & Status

The Hazardous Waste Contingency Fund (HWCF) was established in the 1980s under the authority of the S.C. Hazardous Waste Management Act to ensure the availability of funds for response actions at permitted hazardous waste disposal sites and at uncontrolled sites that do not qualify for federal assistance. The HWCF initially was financed by fees on waste disposed of at the Pinewood Hazardous Waste Landfill (Pinewood).

From its beginning, the Uncontrolled Sites Fund (USF) portion of the HWCF grew to about \$11 million at the close of FY90. Through the 1990s, revenue for the USF averaged roughly \$2 to \$3 million annually and the balance grew and briefly exceeded \$25 million in 1998.

The HWCF, however, lost its primary funding source in 2000 when Safety-Kleen filed for bankruptcy protection and shortly thereafter stopped receiving waste at Pinewood. At that time, the USF had a balance of about \$22 million (see figure below). With the exception of monies from cost recovery efforts and the billing of private parties for DHEC's oversight of work performed under consent agreements and voluntary cleanup contracts, there were no new revenues for the USF. From FY99 to FY07,

expenditures greatly exceeded revenues and the USF balance steadily declined.

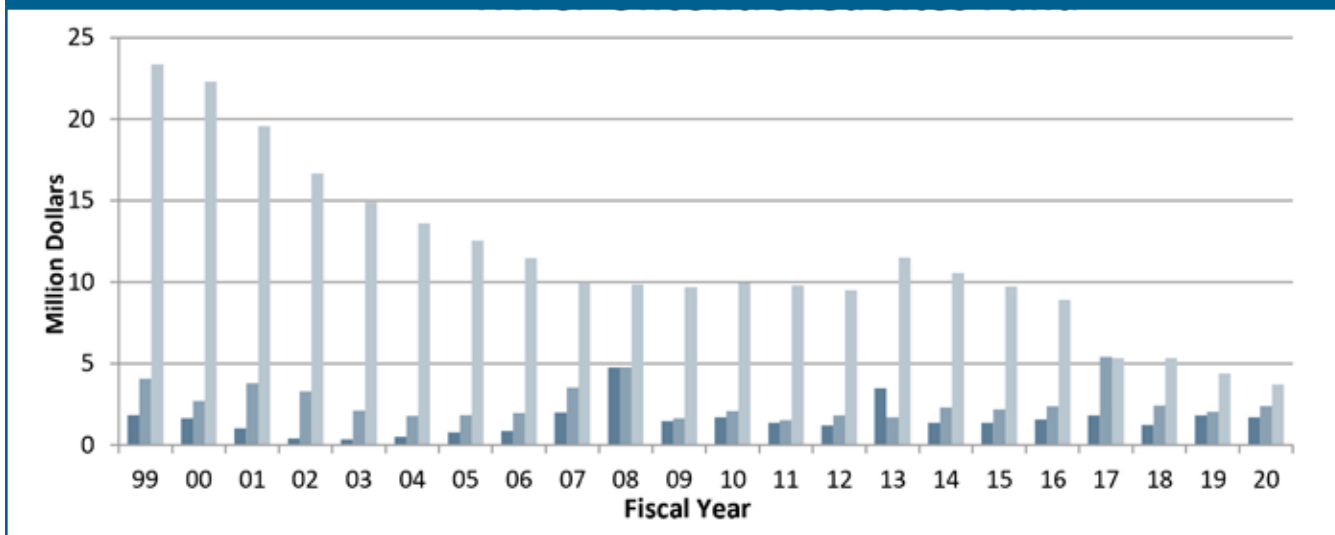
Beginning in 2000, establishing a continuing funding source for the HWCF was a budget priority for DHEC.

- Budget Proviso 9.45, which was passed in 2006, allowed the HWCF to retain the interest on the Fund balance.
- In FY08, Budget Proviso 9.54 authorized DHEC to assess an annual fee on hazardous waste generators and to levy a per ton fee on hazardous waste generated with the proceeds to be deposited into the HWCF.

These provisos were codified in 2008. Specifically:

- Large-quantity generators, as determined by R.61-79.262 (S.C. Hazardous Waste Regulations), producing 100 tons, or less, of hazardous waste per year are assessed an annual fee of \$1,000 per facility. If producing over 100 tons, the annual fee is \$1,000 plus \$1.50 per ton for all hazardous waste in a year that the company generates per Section 44-56-215.

CHART 1: HWCF's Uncontrolled Sites Fund



- Small-quantity generators are assessed an annual fee of \$500. Fees collected shall not exceed an annual cap of \$15,000 per generator. In addition, there is a fee of \$1 per ton of hazardous waste in excess of 50 tons remaining in storage at the end of each quarter in accordance with S.C. Code Section 44-56-170(D). Companies subject to fees required by Section 44-56-170(F)(1)(1976) are exempt from these fees.

In recent years the interest and fees have provided about \$1.1 million in new revenues per year. In FY20, the opening balance of the USF was \$4,381,918.30. Revenues were \$1,704,186.21

and expenditures were \$2,374,664.99. Revenues included \$1,089,483.11 in hazardous waste generator fees, storage fees, and interest earnings.

The USF closed FY20 with a balance of \$3,709,828.88. DHEC has obligated about \$1,078,359 for FY21 response actions and \$52,441 for U.S. Environmental Protection Agency cost shares in addition to the annual personnel and operating costs of about \$1.4 million.

DHEC is seeking additional recurring funds to ensure resources are available to conduct future response actions.



Pictured left is an aerial view of the Able Contracting Site showing a pumper truck spraying water on a hot spot in August 2019.



Another aerial view of the Able Contracting Site shows the hot spot reported in August 2019.

TABLE 2: Uncontrolled Sites Fund Financial Snapshot for FY20

Opening Balance (07/01/19)	\$4,381,918.30
Revenues*	\$1,704,186.21
Total Expenditures (See Table below)	(\$2,374,664.99)
Adjustments - One-time transfer	(\$1,610.64)
Closing Balance (06/30/20)	\$3,709,828.88
FY21 Obligated as State Cost Share Match for National Priorities List (NPL) Sites**	(\$52,441.00)
FY21 Obligated for Site Response Activities (See the table on the following page)	(\$1,078,359.00)
FY21 Obligated for Supplies, Equipment, Travel, etc.	(\$50,000.00)
FY21 Obligated for Administrative Expenses (Salaries, Fringe Benefits & Agency Assessment)	(\$1,400,000)
Un-obligated Balance for Uncontrolled Sites Fund (06/30/20)***	\$1,129,028.88

* Includes hazardous waste generator fees, interest, reimbursement of oversight costs, cost recovery, and other miscellaneous income.

** At federal fund-lead National Priorities List (NPL) sites, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requires the state to provide a 10 percent cost share for remedial actions. South Carolina currently has an outstanding cost share of \$471,969 for the Palmetto Wood Preserving Site. This obligation will be paid in 10 annual payments, which DHEC began paying in FY20. DHEC expects to pay substantial cost shares in the next several years at two other sites - Barite Hill Mine and Cone Mills/Union Bleachery.

In FY21, DHEC will make the sixth annual payment for the existing interim groundwater treatment system at the Brewer Gold Mine Site (\$74,665 per year for 15 years). Beginning in FY18, these payments were made from a special fund established for this site rather than the USF. Within the next few years, DHEC also may be required to pay a 10 percent cost share for a new treatment system at the Brewer Gold Mine Site as well as the associated annual operation and maintenance (O&M) costs for the treatment system. These costs are estimated at more than \$1.5 million per year.

*** This figure does not account for upcoming assessment/cleanup activities that are in the planning stages and which have not yet been assigned to a contractor.

TABLE 3: Breakdown of Total FY20 Expenditures

Uncontrolled Sites (Contractual - Does not include about \$7.8 million spent from site-specific settlement accounts and other DHEC funds.)	\$930,422.64
Emergency Response	\$62,573.50
Salaries, Fringe Benefits, Agency Administrative Assessment	\$1,381,668.85
TOTAL EXPENDITURES	\$2,374,664.99

FY21 & 22 Contractual Obligations

This table shows site-specific obligations (about \$1,078,359 for FY21 and \$862,000 for FY22) that have been assigned to a state contractor or which are planned to be assigned. These sites represent a very small portion of DHEC’s inventory of known uncontrolled waste sites.

Based on recent and historical averages, it is estimated the existing inventory of sites will present a liability to the Uncontrolled Sites Fund in the tens of millions of dollars or more.

TABLE 4: Contractual Obligations for FY21 & FY22			
OBLIGATION	DESCRIPTION	FY21 AMOUNT	FY22 AMOUNT
583 King Street	Soil Gas and Indoor Air Assessment	\$10,000	
Bamberg Hwy 301	Private Well Sampling, Filter Maintenance	\$12,000	\$12,000
Can City Road	Payment of Removal Action Costs completed in late FY19	\$24,415	
Cone Mills/US Finishing	Annual Operation and Maintenance and Receiver Activities	\$20,000	\$20,000
Edison Mall	Site Characterization		\$20,000
Elkwood Street	Assessment and Removal Action	\$50,000	
Elmore Waste Disposal (NPL Site)***	Groundwater Remediation System, Operation and Maintenance	\$120,000	\$120,000
Fouke Fur	Removal Action		\$75,000
I-85 Manufacturing & Distribution Center	Operation of Stream Sparging System, Additional Site Characterization	\$170,418	\$50,000
Palmetto Wood Preserving (NPL Site)***	Annual Operation and Maintenance, Sampling	\$20,000	\$20,000
Pelion Well Contamination	Maintenance and Sampling of Private Well Filters	\$20,000	\$20,000
Philip Services Corp.	Groundwater Treatment System Operation and Maintenance, Legal	\$549,732	\$500,000
Reeves Brothers	Removal of Acid Tank	\$20,000	
Suffolk Chemical	Groundwater Remediation Operation and Maintenance	\$36,794	\$25,000
Unisphere	Groundwater Assessment	\$25,000	
TOTAL PLANNED CONTRACTUAL OBLIGATIONS		\$1,078,359	\$862,000

***These obligations are related to DHEC’s Long-Term Operation and Maintenance requirements for EPA Fund-Lead Remedial Actions at National Priorities List (NPL) Sites. These amounts do not include DHEC’s outstanding cost share obligations which are shown in the “Uncontrolled Sites Fund Financial Snapshot for FY20” on the previous page.

NOTE: These total planned contractual obligations figures do not include State-lead activities funded by site-specific cleanup funds established through cost recovery activities.

Primary Uses of the Uncontrolled Sites Fund

STATE-LEAD RESPONSE ACTIONS

The primary uses of the Uncontrolled Sites Fund (USF) are to provide funds for:

- **Contractual services** to perform state-funded investigation and cleanup activities at sites where other funds are not available;
- **Personnel and operating costs** to implement the program for conducting response actions; and
- **Obligations to the U.S. Environmental Protection Agency (EPA)** for sharing costs at certain federal National Priorities List (NPL) Superfund sites where there is no viable responsible party.

The State Superfund Program evaluates and sets priorities for sites in order to address the worst cases first. Unless the S.C. Department of Health and Environmental Control (DHEC) deems an imminent threat exists or a criminal investigation necessary, state-funded response actions generally are conducted only after DHEC initiates the appropriate procedures to secure alternative funding. Considerable time and effort are expended to ensure that all available funds from the responsible parties and other sources are used before drawing on the USF.

In most cases, DHEC attempts to negotiate voluntary cleanup contracts or other settlements with responsible and non-responsible parties. Various styles of settlements with responsible and non-responsible parties require settling parties to perform investigations to determine the source, nature and extent of contamination and/or clean up contaminated sites, to fund these response activities themselves, or reimburse the agency's response costs.

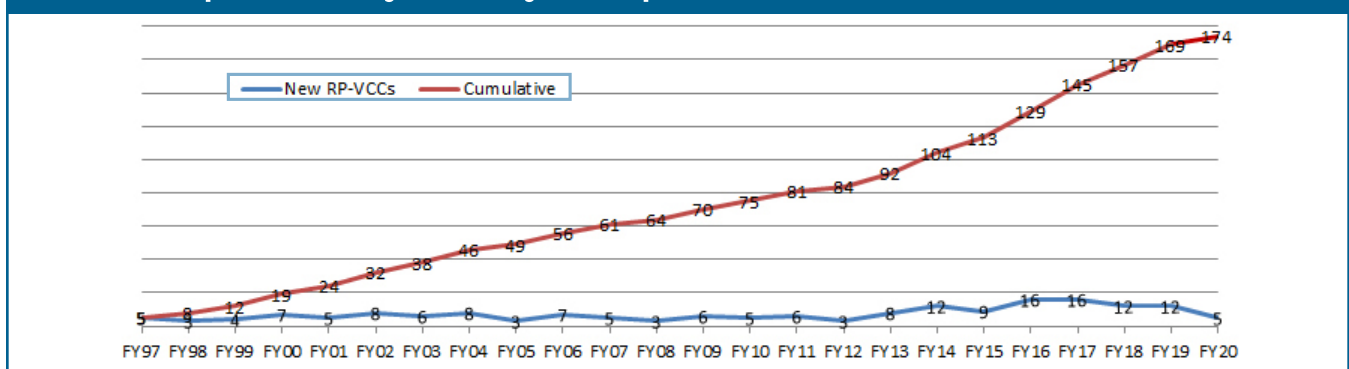
With many of these settlements, DHEC typically includes a covenant not to sue for the work performed by the responsible or non-responsible parties to the agency's satisfaction and contribution protection from other responsible parties that may seek reimbursement of all or a portion of costs of responding to environmental conditions at a site.

When a responsible or non-responsible party enters into an agreement or voluntary cleanup contract with DHEC to pay for or perform response activities, program staff must review and approve all investigation plans, environmental reports, sampling data, and other activities associated with the cleanup of contaminated sites to assure that public health and the environment are protected. Under these contracts and agreements, parties are required to reimburse DHEC's costs for oversight activities.

The authority of DHEC to use the USF and to seek cost recovery provides leverage that may encourage responsible parties to come forward voluntarily. Further, DHEC performs public participation/community involvement activities pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the National Contingency Plan (NCP) to ensure that affected communities have knowledge of, and input into, the cleanup.

The chart below shows the number of responsible party voluntary cleanup contracts (RP-VCCs) executed and the cumulative total for each fiscal year (FY) since the first RP-VCC was executed in FY97 (July 1, 1996 to June 30, 1997). Five RP-VCCs, five VCC amendments, and one letter agreement were executed and four RP-VCCs were under negotiation at the end of FY20.

CHART 5: Responsible Party Voluntary Cleanup Contracts



ENVIRONMENTAL RESPONSE

DHEC's Environmental Response Program responds to accidental spills and other issues associated with the transportation of hazardous material as well as other incidents where hazardous material is spilled, illegally dumped, or otherwise abandoned on public property. The Emergency Response Program administers the Emergency Response Contract, which is used to secure, sample, and properly dispose of waste. These activities are funded by the USF.

In FY20, the Emergency Response Program spent \$62,574 responding to a single emergency incident. The Emergency Response Program typically seeks reimbursement from the National Pollution Funds Center and/or the responsible parties. In FY20, nothing was recovered, but a claim for the single incident remains pending. The amount of reimbursement varies from year to year depending on the number and types of incidents that occur. All reimbursements are returned to the USF.

ADMINISTRATIVE COSTS/SALARIES

DHEC uses USF monies for salaries and program administration. The USF currently funds about 19.5 full-time equivalent (FTE) positions that perform site prioritization activities, project management, technical reviews, field oversight, cost recovery activities, public participation activities, and other administrative activities. During FY20, the USF provided \$1,381,668.85 for salaries, fringe benefits, agency administrative assessments and other operating costs. These costs are included in DHEC's cost recovery efforts against responsible parties.

CRIMINAL INVESTIGATIONS

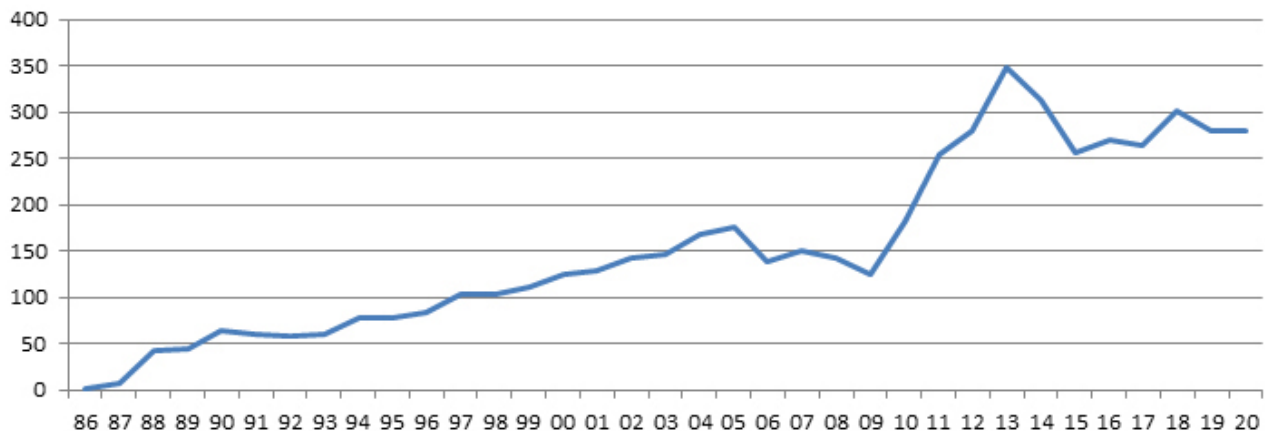
The State Superfund Program also assists DHEC's Office of Criminal Investigations by providing technical assistance and contractual services for gathering evidence for environmental crime cases. After the initial criminal investigation activities are completed, DHEC may perform or oversee additional cleanup activities.

FEDERAL-LEAD SUPERFUND SITES

Cleanup activities on most federal Superfund NPL sites are funded by private parties and most of DHEC's day-to-day costs to assist in oversight of these projects are funded through the Support Agency Cooperative Agreement with EPA. Where there is no existing viable responsible party and the site is listed on the NPL, the state must agree to share in the cleanup costs for EPA to encumber federal Superfund monies to implement a remedy at these types of sites - known as Federal Fund-lead NPL sites.

At these sites, DHEC must agree to pay 10 percent of the remedial construction costs and, once a remedy is constructed and effectively working, 100 percent of the long-term operation and maintenance costs. These costs, as well as other costs DHEC may incur for activities such as natural resource damages assessments and support to EPA's Emergency Response and Removal Branch, are outside the scope of the EPA cooperative agreement and are paid for by the USF. In FY20, the USF supported DHEC response actions at two federal fund-lead NPL sites - Elmore Waste Disposal and Palmetto Wood.

CHART 6: Number of Sites Addressed/Supported by Hazardous Waste Contingency Fund by FY



In November 2009, DHEC assumed responsibility for all the O&M costs for the existing groundwater pump and treatment system at the Elmore Waste Disposal Site in Greer. DHEC incurred \$90,389 in O&M costs in FY20. For FY21, DHEC's costs are expected to be roughly \$120,000.

DHEC also has assumed responsibility at the Palmetto Wood Site where annual operations and maintenance costs have been about \$16,000. FY21 costs are anticipated to be \$20,000. In addition, DHEC has an estimated outstanding cost share of \$471,969 for the Palmetto Wood Site. Two other NPL sites, Barite Hill Mine and Cone Mills/US Finishing/

Union Bleachery are expected to require more substantial cost shares in the next several years.

In FY16 and FY17, the USF was used to pay EPA for the first two of 15 annual payments of \$74,665 for South Carolina's cost share for the Interim Remedial Action at the Brewer Gold Mine Site. Beginning in FY18, this payment was made from a special site-specific account established for the Brewer Site.

In about 2025, South Carolina will be required to fund 10 percent of the cost of a cap and new wastewater treatment system at this site. DHEC's cost share for construction is expected to exceed \$2 million while O&M costs are expected to be more than \$1.5 million.

State Superfund Program

SECTION 5

The mission of the State Superfund Program is to protect human health and the environment by requiring investigation and cleanup of abandoned and uncontrolled hazardous waste sites and by taking short-term actions to mitigate immediate threats. The S.C. Department of Health and Environmental Control (DHEC) focuses its attention and financial resources on the sites that pose the greatest risk.

DHEC's Bureau of Land and Waste Management's Division of Site Assessment, Remediation and Revitalization is responsible for managing state-lead response actions and supporting federal-lead response actions.

Response Process

The State Superfund process begins with site discovery or notification of possible releases of hazardous substances.

DHEC's site assessment and remediation process may include a short-term removal action or a complex and lengthy remedial investigation and long-term cleanup.

- **Removal Process** – If a site requires immediate attention, DHEC may perform an emergency response or removal action to address immediate threats.
- **Remedial Process** – If a site does not pose an imminent threat, it is screened to determine

whether it warrants further evaluation for remedial (i.e., long-term) measures. If a site does not qualify for placement on the U.S. Environmental Protection Agency's National Priorities List (NPL), then cleanup is addressed by the State Superfund Program.

- **RI/FS Phase** – A Remedial Investigation (RI) is an in-depth investigation to determine the source, nature, and extent of contamination at a site. The Feasibility Study (FS) provides a comparison of various cleanup options that would make the site safe for the public and the environment.
- **Proposed Plan Phase** – From the information in the FS, a Proposed Plan is developed offering a preferred remedial option. The public is given a 30-day comment period during which a meeting is held to encourage community input and participation in the final remedy selection.
- **ROD Phase** – After the comment period, DHEC formally documents the selected remedy in the Record of Decision (ROD).
- **RD/RA Phase** – After the ROD, the project enters the Remedial Design/Remedial Action (RD/RA) phase where the remedy is designed and implemented. Ongoing

monitoring occurs to ensure that the remedy remains protective of public health and the environment.

- **Closure** – The matter will be closed if DHEC determines the cleanup is complete and no additional response action is required.

Community Process

DHEC strives to inform the public of environmental impacts of contamination in their communities and to involve those communities in decision-making opportunities.

Depending on specific needs of the community as well as state and federal law, DHEC:

- **Establishes a community relations plan** for state-lead sites as appropriate;
- **Holds community meetings and availability sessions** specific to site needs and various phases of response;
- **Provides notice in a local newspaper of 30-day periods to comment on proposed cleanup activities and availability of the administrative record** (which contains decision-making documents and which

is made available at a local library and at DHEC’s Bureau of Land and Waste Management office);

- **Provides notice of 30-day periods to comment on proposed settlements with responsible parties and publishes such notice** in a local newspaper and/or the South Carolina State Register;
- **Provides environmental reports, proposed contracts, public meetings and other information** on DHEC’s website for the public;
- **Participates or assists in media releases;** and
- **Provides fact sheets** specifically written for local communities.

TABLE 7: Community Involvement in FY20

TYPE OF ACTIVITY	NUMBER
Community Meetings	0
Newspaper Notices	7
Public Comment Periods	5



Pictured is an aerial view of the dilapidated fertilizer manufacturing facility at the Stoller Site in Charleston County.

Permitted Site Fund: History & Status

The Hazardous Waste Contingency Fund (HWCF) Permitted Site Fund (PSF) was established pursuant to Section 44-56-160(B)(1) of the S.C. Hazardous Waste Management Act (HWMA) to ensure the availability of funds for response actions arising from the operation of permitted land disposal facilities in South Carolina. At the time the Permitted Site Fund (PSF) was established, the only permitted hazardous waste land disposal facility in South Carolina was Pinewood Landfill located in Sumter County. The PSF was funded by a portion of the fees imposed on generators who sent their hazardous wastes for disposal at the Pinewood facility. After Pinewood closed, no new revenue source to replace the generator fees was identified for the PSF. Post-closure revenues are from interest accrued on the deposit.

The PSF may be used for response actions arising from the operation of the Pinewood facility. The HWMA defines a “response action” as “any cleanup, containment, inspection or closure of a site ordered by the director as necessary to remedy actual or potential damages to public health, the public welfare, or the environment.”

Subsequent to the creation of the PSF, the General Assembly approved a proviso that authorizes the S.C. Department of Health and Environmental Control (DHEC) to expend funds from the PSF for legal services related to environmental response, regulatory and enforcement matters including administrative proceedings and actions in state and federal courts.

DHEC used the PSF during 2014, 2015 and part of 2016 for the preservation of information contained on thousands of manifests which document waste disposal at and during the operation of Pinewood. These manifests provide critical information concerning the origin, type, volume and description of hazardous wastes sent there.

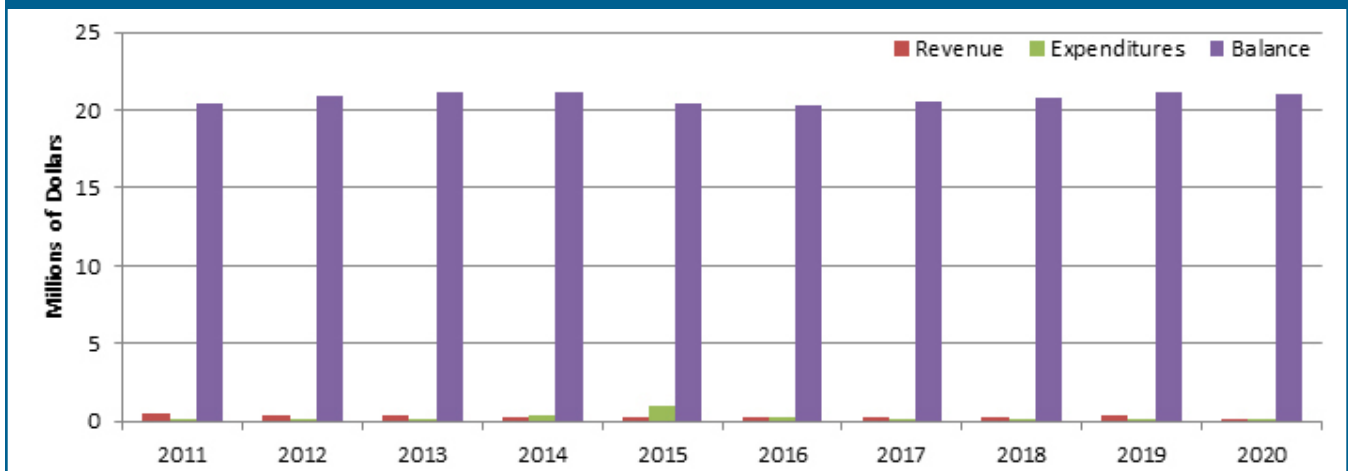
The manifest preservation project included scanning and auditing of the manifests, database creation and data entry, and quality assurance/quality control. In addition, the PSF continues to provide partial support for staff who perform technical, enforcement and compliance activities at the Pinewood Facility.

TABLE 8: HWCF Permitted Site Fund Financial Snapshot (FY11* to FY20)

FY	REVENUES (Interest)	EXPENDITURES	BALANCE
2011	\$537,807	\$1,013	\$20,453,774
2012	\$426,479	\$14,138	\$20,866,115
2013	\$389,855	\$113,978	\$21,141,992
2014	\$287,993	\$335,386	\$21,094,599
2015	\$236,614	\$958,563	\$20,372,650
2016	\$257,198	\$314,007	\$20,315,841
2017	\$279,203	\$78,897	\$20,516,147
2018	\$324,746	\$77,989	\$20,762,904
2019	\$420,034	\$69,014	\$21,113,925
2020	\$94,537	\$121,900.78	\$21,086,561

* Information prior to FY11 is unavailable due to a change in DHEC’s accounting system.

CHART 9: Permitted Site Fund by Fiscal Year



BUREAU OF LAND & WASTE MANAGEMENT

