COMMITTEE REPORT

March 23, 2010

**H. 4693**

Introduced by Agriculture, Natural Resources and Environmental Affairs Committee

S. Printed 3/23/10--S.

Read the first time March 10, 2010.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Joint Resolution (H. 4693) to approve regulations of the Department of Health and Environmental Control, relating to Hazardous Waste Management Regulations, designated as Regulation Document Number 4080, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

HARVEY S. PEELER, JR. for Committee.

**A** **JOINT RESOLUTION**

TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4080, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The regulations of the Department of Health and Environmental Control, relating to Hazardous Waste Management Regulations, designated as Regulation Document Number 4080, and submitted to the General Assembly pursuant to the provisions of Article 1, Chapter 23, Title 1 of the 1976 Code, are approved.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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SUMMARY AS SUBMITTED

BY PROMULGATING AGENCY.

1. The Department adopted three amendments to Regulation 61‑79 that the U.S. Environmental Protection Agency (EPA) promulgated between July 1, 2007 and June 30, 2008. The adoption of these three rules was optional to states. The Department has amended R.61‑79 to adopt these three rules to maintain conformity with federal regulations. These amendments are less stringent than the previous federal equivalent and will modify the current state regulations. Legislative review of the three rules is required because, while the changes in these rules will not make South Carolina less stringent than federal initiatives, the changes will be less stringent than current South Carolina regulations. This amendment was approved by the Board of Health and Environmental Control on October 8, 2009. The three rules adopted by the Department are as follows:

Rule (1) The Regulation of Oil‑Bearing Hazardous Secondary Materials Processed in a Gasification System to Produce Synthesis Gas. This rule was published in the *Federal Register* at 73 FR 57 on January 2, 2008. See Discussion of changes below and the Statement of Need and Reasonableness herein.

Rule (2) National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments (NESHAP): Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II). This amendment waspublishedin the *Federal Register* at 73 FR 18970 on April 8, 2008. See Discussion of changes below and the Statement of Need and Reasonableness herein.

Rule (3) Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019. This amendment was published in the *Federal Register* at 73 FR 31756 on June 4, 2008. See Discussion of changes below and the Statement of Need and Reasonableness herein.

2. Site Specific Inspection Checklist: The Department is also amending R.61‑79 to reinsert a state requirement under R.61‑79.270 Subpart B Permit Application, at 270.10 ‑ General Application Requirements pursuant to 40 CFR 270. This regulation requires a site‑specific inspection checklist for use in compliance inspections. See Discussion of changes below and the Statement of Need and Reasonableness herein.

3. The Federal Manifest System (FMS), for shipping of hazardous waste. The FMS was adopted by South Carolina on June 27, 2007, pursuant to 40 CFR 262 which requires a national manifest for shipping hazardous waste. The Department amended section 262 of R.61‑79 by removing the reference to the *Federal Register* for the specifics of the manifest instructions and replaced it with the actual federal language of the requirements for obtaining and filing official copies of the national manifest. See Discussion of changes below and the Statement of Need and Reasonableness herein.

A Notice of Drafting was published in the State Register on November 28, 2008.

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