COMMITTEE REPORT

February 17, 2016

**H. 4857**

Introduced by Reps. Hiott, Clary and Collins

S. Printed 2/17/16--S.

Read the first time February 11, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4857) to amend the Code of Laws of South Carolina, 1976, by adding Section 58‑27‑255 so as to require coal combustion residuals resulting from the production of electricity, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting language and inserting:

/ SECTION 1. To amend Chapter 27, Title 58 of the 1976 Code of Laws by adding:

“Section 58-27-255. (A) Coal combustion residuals that result from an electrical utility, an electric cooperative, a governmental entity, a corporation, or an individual producing electricity for sale or distribution by burning coal must be placed in a commercial Class 3 solid waste management landfill, unless the coal combustion residuals are:

(1) located contiguous with the electric generating unit;

(2) intended to be beneficially reused;

(3) placed into beneficial reuse; or

(4) placed in an appropriate landfill which meets the standards of the Department of Health and Environmental Control Regulation 61-107, and that is owned or operated by the entity that produced the electricity which resulted in the coal combustion residuals.

(B) The “beneficial reuse” of coal combustion residuals, as used in this section, is subject to the applicable regulations as promulgated by the Department of Health and Environmental Control.”

SECTION 2. Nothing in this act affects any other provisions or requirements of law or regulation applicable to coal combustion residuals.

SECTION 3. The provisions of this act are repealed five years from the act’s effective date, unless reenacted or otherwise extended by the General Assembly.

SECTION 4. This act takes effect on the date of the Governor’s approval, and applies to the disposal of coal combustion residuals placed in a landfill on or after that date. /

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund, federal funds, or other funds. The expenditure impact on local governments is undetermined.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill adds Section 58-27-255, which states that coal combustion residuals that result from an electric utility, an electric cooperative, a governmental entity, a corporation, or an individual producing electricity for sale or distribution by burning coal must be placed in a Class 3 solid waste management landfill. Exceptions are coal combustion residuals that are located contiguous with the electric generating unit, intended to be beneficially reused, placed in beneficial use, or placed in an appropriate landfill owned or operated by the entity that produced the residuals. Unless reenacted or extended, the provisions of this section are repealed five years from the act’s effective date.

**Public Service Commission.** The agency indicates there will be no expenditure impact associated with this bill.

**Office of Regulatory Staff.** The agency indicates there will be no expenditure impact associated with this bill.

**Department of Health and Environmental Control.** The agency indicates there will be no expenditure impact associated with this bill.

**Local Expenditure**

The Revenue and Fiscal Affairs Office contacted twenty-three county governments and the municipal association regarding the expenditure impact of this bill. Since no responses were received from the surveyed counties, the expenditure impact on county governments is undetermined. The municipal association indicates there would be no direct expenditure impact on municipal governments. However, if electric utilities experience higher costs as a result of this bill, the expense would be passed on to customers.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑27‑255 SO AS TO REQUIRE COAL COMBUSTION RESIDUALS RESULTING FROM THE PRODUCTION OF ELECTRICITY TO BE PLACED IN A CLASS 3 LANDFILL AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. Article 1, Chapter 27, Title 58 of the 1976 Code is amended by adding:

“Section 58‑27‑255. Coal combustion residuals that result from an electrical utility, an electric cooperative, a governmental entity, a corporation, or an individual producing electricity for sale or distribution by burning coal must be placed in a Class 3 solid waste management landfill, unless the coal combustion residuals are:

(1) located contiguous with the electric generating unit;

(2) intended to be beneficially reused;

(3) placed into beneficial reuse; or

(4) placed in an appropriate landfill owned or operated by the entity that produced the electricity that resulted in the coal combustion residuals.”

SECTION 2. The provisions of Section 1 are repealed five years from the act’s effective date unless reenacted or otherwise extended by the General Assembly.

SECTION 3. This act takes effect upon approval by the Governor

and applies to the disposal of coal combustion residuals placed in a landfill on or after that date.

‑‑‑‑XX‑‑‑‑