**A** **JOINT RESOLUTION**

TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SOLID WASTE MANAGEMENT: DEMONSTRATION‑OF‑NEED, DESIGNATED AS REGULATION DOCUMENT NUMBER 3198, 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 Solid Waste Management: Demonstration‑of‑Need, designated as Regulation Document Number 3198, 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.

This amendment revises section 61‑107.17 of R.61‑107, Solid Waste Management, expanding the scope of this regulation section by defining needs determination criteria for certain types of solid waste facilities. This includes adding solid waste processing facilities and air curtain incinerators that burn waste other than wood waste and yard trash (under the definition of solid waste incinerators) to the list of facilities requiring a demonstration‑of‑need. It revises the size of the planning areas around some solid waste facilities, adds new criteria for determining the disposal rate limit for Class Two and Class Three landfills, and determines when disposal rate increases may be requested. It redefines “non‑commercial” and “commercial” solid waste management facilities. These changes will help reduce the number of potential locations for new solid waste facilities and help to reduce and install a cap on the over‑all allowable disposal rate in the State while ensuring an adequate number of facilities throughout the State to meet disposal needs.

This amendment updates section 61‑107.17 for consistency with the changes approved by the legislature in Document 3113 that amended R.61‑107, Solid Waste Management, and took effect by publication in the State Register on May 23, 2008. Document 3113 simultaneously repealed four existing solid waste landfill sections of R.61‑107 (107.11; 107.13; 107.16; 107.258) and replaced them with new section 61‑107.19, Solid Waste Management: Solid Waste Landfills and Structural Fill. Section 61‑107.19 addresses all solid waste landfills and structural fill activities.

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