**A** **BILL**

TO AMEND ARTICLE 2, CHAPTER 96, TITLE 44 OF THE 1976 CODE, RELATING TO SOLID WASTE MANAGEMENT, BY ADDING SECTION 44‑96‑285 TO REQUIRE THAT AN APPLICANT MAY APPLY FOR A PERMIT TO CONSTRUCT, EXPAND, OR MODIFY A SOLID WASTE MANAGEMENT FACILITY THE PROPOSED APPLICANT MUST FIRST RECEIVE A PRELIMINARY SITE APPROVAL AND A GEOLOGIC AND HYDROLOGIC SITE APPROVAL FROM THE DEPARTMENT, TO PROVIDE FOR PUBLIC HEARINGS CONDUCTED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE PROPOSED APPLICANT, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Article 2, Chapter 96, Title 44 of the 1976 Code is amended by adding.

“Section 44‑96‑285. (A) As used in this section, ‘proposed applicant’ means an individual, corporation, partnership, business association, or governmental entity that intends to apply for the issuance, transfer, or modification of a permit under this article.

(B)(1) A proposed applicant may not apply for a permit to construct, expand, or modify a solid waste management facility pursuant to this article unless the person has requested that the department conduct a preliminary site investigation and obtained preliminary approval from the department. The department shall, within sixty days of the request, conduct a preliminary investigation and render a preliminary approval or disapproval of the site.

(2) The proposed applicant shall notify the public of the preliminary site investigation approval within thirty days after receiving it. The public notification shall be by certified mail to the governing body of the local governments in the area affected by the proposed facility and by certified mail to the State Solid Waste Advisory Council and the local solid waste advisory council.

(C) All solid waste management facilities that receive preliminary site approval must be the subject of a public meeting conducted by the department within ninety days of issuing the preliminary site approval. The meeting shall be held in the county in which the proposed solid waste management facility is to be located and shall generally provide the public with relevant information concerning the permitting, design, and operation of solid waste management facilities and specifically address the proposed facility. The department shall provide public notice of the meeting in a newspaper of general circulation in the relevant areas, including the county in which the proposed facility is to be located.

(D)(1) At least sixty days prior to the submission to the department of a report on the results of a detailed site investigation pursuant to subsection (F), the applicant shall conduct a public meeting in the county in which the proposed solid waste management facility is to be located.

(a) There shall be a thirty‑day public comment period which shall begin on the day after the community involvement session. Public comments shall be directed to and maintained by the department. The department must share each public comment with the proposed applicant as soon as practicable after receiving it.

(b) The proposed applicant shall respond to all persons submitting comments during the public comment period no more than thirty days after the receipt of such comments.

(2) During the two weeks preceding the date of the meeting, the proposed applicant shall provide public notice of the meeting in a newspaper of general circulation in the relevant areas, including the county in which the proposed facility is to be located. The public notice shall include a general description of the facility, the addresses of the applicant and the department, and information on a public comment period.

(E) If a proposed solid waste disposal area is to be located in a county or city that has local planning and zoning requirements, the proposed applicant shall not be required to conduct a public meeting pursuant to subsection (D) if the following conditions are met:

(1) the local planning and zoning requirements include a public meeting;

(2) the proposed applicant notifies the department of intent to utilize that meeting in lieu of the community involvement session at least thirty days prior to such meeting;

(3) the requirements of the meeting include providing public notice by printed or broadcast media at least thirty days prior to such meeting;

(4) the meeting is held at least thirty days prior to the submission to the department of a report on the results of a detailed site investigation pursuant to subsection (F);

(5) the applicant submits to the department a record of the meeting; and

(6) a public comment period begins the day after the meeting and continues for at least thirty days after the meeting, and the applicant responds to all persons submitting comments during such public comment period no more than fourteen days after the receipt of such comments.

(F)(1) A proposed applicant may not apply for a permit to construct a solid waste management facility unless he has:

(a) satisfied each of the requirements contained in subsections (A) through (E);

(b) submitted to the department a plan for conducting a detailed surface and subsurface geologic and hydrologic investigation; and

(c) received geologic and hydrologic plan approval from the department. The department shall approve or disapprove the plan within thirty days of receipt.

(2)(a) After receiving approval for his geologic and hydrologic plan, the proposed applicant shall conduct the investigation pursuant to the plan and submit the results to the department. The department shall provide approval or disapproval within sixty days of receipt of the investigation results.

(b) No person may be issued a permit to operate a solid waste management facility without first receiving geologic and hydrologic site approval from the department.”

SECTION 2. Permits issued by the department to existing solid waste management facilities pursuant to the statutory and regulatory requirements in effect before the effective date of this act remain valid for the life of the permit.

SECTION 3. This act takes effect January 1, 2012.

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