**A** **JOINT RESOLUTION**

TO IMPOSE A MORATORIUM, IN EFFECT UNTIL DECEMBER 31, 2017, ON THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL ISSUING PERMITS TO CONSTRUCT CERTAIN NEW CLASS 3 LANDFILLS OR TO REPLACE OR EXPAND CERTAIN EXISTING CLASS 3 LANDFILLS AND ON THE DEPARTMENT ISSUING APPROVALS TO INCREASE THE ANNUAL DISPOSAL RATE AT CERTAIN CLASS 3 LANDFILLS; AND TO REQUIRE THE DEPARTMENT TO REPORT ON PERMIT APPLICATIONS AFFECTED BY THE MORATORIUM.

Whereas, according to the South Carolina Department of Environmental Control’s Solid Waste Management Annual Report for Fiscal Year 2012, the amount of municipal solid waste imported into the State in fiscal year 2012 was 689,514 tons, a four percent increase from the past year; and

Whereas, there is currently an important need for more public debate and consideration of legislation concerning local government and citizen involvement in regulation of solid waste disposal and landfill permitting in this State; and

Whereas, inappropriate siting of landfills, expansion of landfills in the State, or excessive intake of waste into the state’s landfills has significant potential for detriment to the state’s economic development, public health, and environment; and

Whereas, economic and other factors cause landfills to be concentrated in minority and low‑income communities in the State; and

Whereas, these factors also cause landfills to encroach on or destroy the state’s valuable wetlands habitats; and

Whereas, landfill siting or expansion of landfills upon wetlands pose deleterious effects to locally cherished and vital natural habitats, ecosystems, animal wildlife, wildlife preservation, and outdoor gamesmanship, including critical habitat destruction, air and water pollution, drinking water contamination, and wildlife death. Now, therefore,

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

SECTION 1. (A) The definition of terms provided for in Section 44‑96‑250 and Regulation 61‑107.19 of the 1976 Code apply to terms used in this Section.

(B) A moratorium is imposed and in effect until December 31, 2017, on the Department of Health and Environmental Control issuing:

(a) permits to construct new Class 3 Municipal Solid Waste landfills that are not onsite landfills;

(b) permits to replace existing Class 3 Municipal Solid Waste landfills that are not onsite landfills in the State;

(c) permits to expand existing Class 3 Municipal Solid Waste landfills that are not onsite landfills in the State if the expansion’s plan falls under the scope of Sections 401 or 404 of the Clean Water Act (33 U.S.C. 1344) pertaining to wetlands; and

(d) approvals to increase the permitted annual disposal rate at a Class 3 Municipal Solid Waste landfill that is not an onsite landfill if the applicant landfill’s host county and planning region have not achieved a forty percent recycling rate for municipal solid waste in the preceding two years.

(C) The department shall submit a list of applications affected by the moratorium imposed in items (a), (b), and (c) of subsection (B) to the House of Representatives Agriculture and Natural Resources Committee and the Senate Medical Affairs Committee before February first each year until the moratorium has expired.

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

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