

BUREAU OF LAND & WASTE MANAGEMENT

SOUTH CAROLINA

HAZARDOUS WASTE CONTINGENCY FUND

ANNUAL REPORT



FISCAL YEAR 2021



Dr. Edward Simmer, MD, Director

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About this Report

The S.C. Hazardous Waste Contingency Fund Annual Report is submitted by the S.C. Department of Health and Environmental Control (DHEC) in compliance with the S.C. Hazardous Waste Management Act (HWMA), S.C. Code of Laws § 44-56-180.

Additionally, Act 119 of 2005 mandates that agencies provide all reports to the General Assembly in an electronic format.

This report provides a summary of the activities and response actions in fiscal year (FY) 2021 (July 1, 2020 to June 30, 2021) under the authority of the HWMA as well as the status of the Hazardous Waste Contingency Fund (HWCF).



Surface water samples being collected at the Philip Services Corporation Site in April 2021.

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Acronyms

- CERCLA** - Comprehensive Environmental Response, Compensation and Liability Act
- FS** - Feasibility Study
- FY** - Fiscal Year
- HWCF** - S.C. Hazardous Waste Contingency Fund
- HWMA** - S.C. Hazardous Waste Management Act
- NCP** - National Contingency Plan
- NPL** - National Priority List
- PRP** - Potential Responsible Party
- PSF** - Permitted Site Fund
- RD/RA** - Remedial Design/ Remedial Action
- RI** - Remedial Investigation
- ROD** - Record of Decision
- RP** - Responsible Party
- RP VCC** - Responsible Party Voluntary Cleanup Contract
- USF** - Uncontrolled Sites Fund

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Introduction

The mission of the S.C. Department of Health and Environmental Control (DHEC) is to improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment.

DHEC accomplishes this mission, in part, with the support of the Hazardous Waste Contingency Fund (HWCF). The HWCF was established in the early 1980s by the S.C. Hazardous Waste Management Act (HWMA) to ensure the availability of funds for contingencies arising from necessary actions at permitted hazardous waste landfills and to defray the costs of governmental response actions at uncontrolled hazardous waste sites.

In FY21:

- DHEC's Division of Waste Management (with funding support from the Permitted Site Fund) continued to conduct technical oversight, inspection, and compliance monitoring activities at the former commercial hazardous waste landfill (Pinewood Facility) in Sumter County.
- DHEC's Division of Site Assessment, Remediation and Revitalization (SARR) directed work at about 280 uncontrolled waste sites with funding support from the

HWCF's Uncontrolled Sites Fund (USF). While cleanup activities at most of these sites are funded and performed by responsible parties with oversight from DHEC staff [Potentially Responsible Party-lead (PRP) sites], most of the agency's expenditures from the USF occur at a smaller number of state-lead sites where responsible parties may be bankrupt, defunct, or otherwise unwilling or unable to perform response actions.

Revenue for the USF is generated primarily by fees imposed on hazardous waste generators in South Carolina. Over the past few years, expenditures have greatly exceeded revenue and the USF balance has dropped to its lowest level since the 1980s. DHEC relies heavily on the USF for contractual services and salaries of staff who oversee cleanup actions and to meet the state's cost share obligations on certain sites being addressed by the U.S. Environmental Protection Agency.

Without additional long-term funding, DHEC's capacity to respond to releases of hazardous substances will be severely limited. In turn, this results in potential risk to human health and the environment. Given that, DHEC has requested \$2.5 million in recurring state appropriations.



Chemicals and equipment inside a residential garage where the owner attempted to reclaim precious metals from printed circuit boards. DHEC responded in October 2020 and June 2021 to odor and vapor complaints from neighbors. DHEC expended over \$45,000 to containerize and dispose of waste materials and impacted soil.

Uncontrolled Sites Fund: FY21 Actions

SECTION 2

The Uncontrolled Sites Fund (USF) supported activities at about 280 sites in fiscal year (FY) 2021 (July 1, 2020 to June 30, 2021). Activities included:

- **Emergency response, removal, and remedial actions;**
- **Sampling and analysis;**
- **Technical reviews and oversight;**
- **Project management;**
- **Public participation and outreach;**
- **Potentially responsible party (PRP) searches;**
- **Cost recovery;**
- **Negotiation of voluntary cleanup contracts and other settlements;** and
- **Support for the investigation and cleanup of contaminated sites.**

Site-specific expenses ranged from a few hundred dollars to over \$5 million in contractor costs for investigation and cleanup. A few FY21 highlights are described below.

ABLE CONTRACTING SITE

Able Contracting, Inc. (Able) operated a solid waste material processing facility in Jasper County. By the summer of 2019, Able's stockpile of unprocessed and partially processed material covered about four acres and was about 50 feet high. Material in the stockpile ignited and resulted in the release of hazardous substances, pollutants, and contaminants into the environment. Able employees and local fire officials could not extinguish the fire.

RESPONSE TIMELINE

- **August 2019** – DHEC's State Remediation Program, in coordination with the U.S. Environmental Protection Agency (EPA), initiated an emergency response action to extinguish the smoldering fire and prevent further releases of hazardous substances.
- **August 2019 to January 2020** – DHEC and EPA removed about 115,600 tons of material from the site (DHEC – 79,000 tons, EPA – 36,600).

DHEC spent over \$5 million conducting response actions at the Able Site. Funding came from various sources, including the Hazardous Waste Contingency Fund (HWCF), the Solid Waste Emergency Fund, and other DHEC funds.

The majority of DHEC's personnel costs were incurred by staff funded by the USF. In early FY21, DHEC filed a complaint against the Able defendants seeking reimbursement of all costs incurred by DHEC. Legal actions continued in FY22.

DHEC's costs for FY21 were approximately \$90,000 which included the final contractor invoice for FY20 cleanup and reporting activities.

PHILIP SERVICES CORPORATION SITE

Located in York County, this site – previously known as ThermalKem – operated as an interim status hazardous waste treatment, storage, and disposal facility until bankruptcy in 2003.

- **Since 2003** – DHEC has conducted extensive investigations, upgraded, and operated the interim groundwater treatment system, conducted community relations activities, and continued settlement negotiations with the Philip Services Corporation potentially responsible parties (PRP) group, which represents more than 1,700 PRPs.
- **In FY20** – DHEC and the PRP group reached a tentative settlement; however, it was not finalized due to objections from the U.S. Department of Justice (DOJ), which is representing federal agency PRPs.
- **In FY21** – DHEC, the PRP group, and the DOJ continued negotiating a final settlement that includes the federal government PRPs. The updated settlement will be put on public notice and is expected to be presented to the court for approval in FY22.
- **In FY21** – DHEC also continued operating the groundwater pump and treat system.
- **FY21** – DHEC's total costs for the site were about \$665,000, including about \$534,000 in direct contractor costs.

106 ELKWOOD STREET SITE

The 106 Elkwood Street Site, in Greenville County, is the location of a single-family residence where the owner attempted to recover precious metals from printed circuit boards.

- **In October 2020** – The Mauldin Fire and Police Departments responded to reports of a strong chemical odor coming from the property. The odor was the result of off-gassing from the use of acids to extract gold from circuit boards. DHEC responded and determined the owner was also discharging waste acid onto the ground at the rear of the residence. DHEC collected samples and arranged for the proper disposal of recovery solutions and contaminated soil. The total contractor cost for these activities was approximately \$29,000. The owner was instructed to “cease all actions of metal recovery using hazardous materials.”
- **In June 2021** – Mauldin Fire Department personnel responded to odors at the same address and reported to DHEC that the owner was trying to recover precious metals from circuit boards. Once again, DHEC removed and properly disposed the hazardous materials from the property. The contractor costs for the second removal were about \$16,650.

The case has been referred for an enforcement action for potentially illegal disposal of hazardous waste.

GENERAL BATTERY/AKA EXIDE SITE

The Exide Site is located in Greer (Greenville County). It operated from the 1960s until 1996 and produced lead acid batteries for automobiles. Facility operations resulted in extensive soil and groundwater contamination.

Facility operators conducted various investigation and cleanup actions until May 2020 when Exide filed for bankruptcy protection. As part of the bankruptcy settlement, a trustee and a trust account were established to continue environmental restoration activities.

The trust account is not sufficient to complete necessary cleanup activities. DHEC is working with the trustee to prioritize and conduct cleanup tasks in the most efficient and cost-effective manner.

In FY21, DHEC’s personnel costs for the site were about \$14,300.

BREWER GOLD MINE SITE

The Brewer Gold Mine Site is the location of a former gold mining operation in Chesterfield County. The facility was abandoned in 1999 and EPA took over onsite wastewater treatment operations to contain acid rock drainage that posed a continuing threat to Little Fork Creek and the Lynches River. The Site was added to EPA’s National Priorities List (NPL) in 2005.

EPA continued conducting water treatment activities at the site until June 2020. At that time, DHEC assumed the lead agency role for operation of the wastewater treatment system. DHEC is responsible for 10% of the costs and is refunded 90% of the costs by EPA. DHEC’s contractor costs are currently funded by a special site specific account. Prior to 2018, DHEC’s cost share was funded by the USF. The USF continues to fund DHEC’s personnel costs.

RESPONSIBLE PARTY VOLUNTARY CLEANUP CONTRACTS & CONSENT AGREEMENTS/ORDERS

During FY21, DHEC negotiated and executed:

- **Eight Responsible Party Voluntary Cleanup Contracts (RP VCCs);** and
- **One Letter Agreement;** and
- **Six Certificates of Completion (CoC).** The CoC signifies a party has completed its obligations under the VCC and provides a covenant not to sue for work satisfactorily completed under the VCC.

Staff were actively negotiating four additional VCCs at the end of the FY. These contracts and agreements provide for DHEC oversight of activities funded by responsible parties and reimbursement of DHEC’s past costs and future oversight costs.

EPA REMOVAL SITES

DHEC continued to provide support to EPA’s Emergency Response and Removal Branch during federal lead removal actions at sites such as Galey & Lord in Society Hill where water filters have been provided for impacted private drinking water wells.

Uncontrolled Sites Fund: History & Status

The Hazardous Waste Contingency Fund (HWCF) was established in the 1980s under the authority of the S.C. Hazardous Waste Management Act to ensure the availability of funds for response actions at permitted hazardous waste disposal sites and at uncontrolled sites that do not qualify for federal assistance. The HWCF initially was financed by fees on waste disposed of at the Pinewood Hazardous Waste Landfill (Pinewood).

From its beginning, the Uncontrolled Sites Fund (USF) portion of the HWCF grew to about \$11 million at the close of FY90. Through the 1990s, revenue for the USF averaged roughly \$2 to \$3 million annually and the balance grew and briefly exceeded \$25 million in 1998.

The HWCF, however, lost its primary funding source in 2000 when Safety-Kleen filed for bankruptcy protection and shortly thereafter stopped receiving waste at Pinewood. At that time, the USF had a balance of about \$22 million (see figure below). With the exception of monies from cost recovery efforts and the billing of private parties for DHEC’s oversight of work performed under consent agreements and voluntary cleanup contracts, there were no new revenues for the USF. From FY99 to FY07, expenditures greatly exceeded revenues and the USF balance steadily declined.

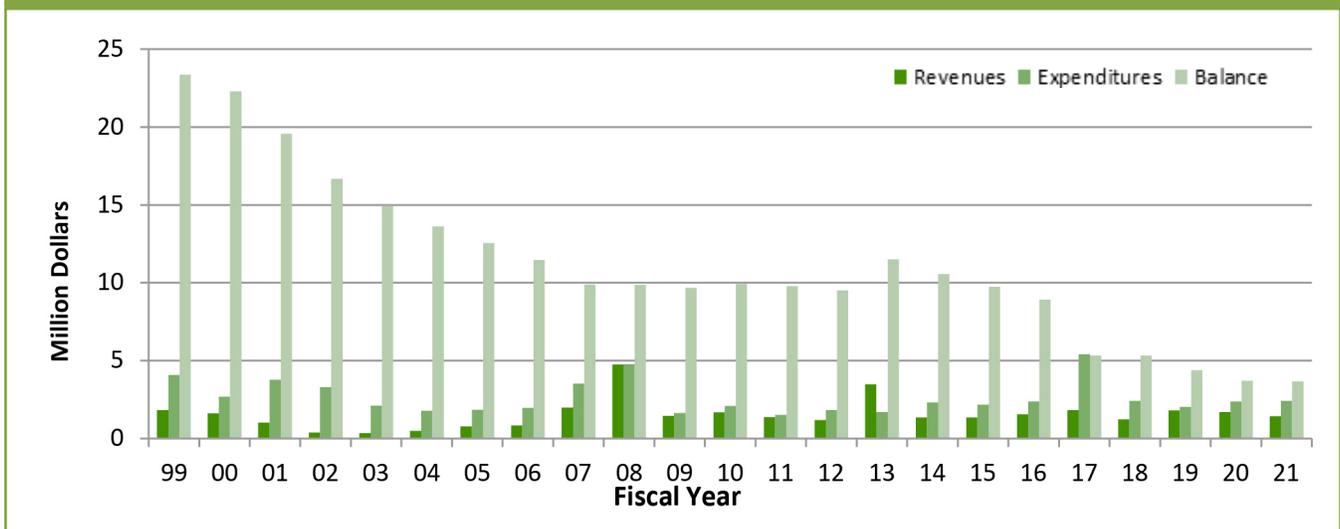
Beginning in 2000, establishing a continuing funding source for the HWCF was a budget priority for DHEC.

- **Budget Proviso 9.45**, which was passed in 2006, allowed the HWCF to retain the interest on the Fund balance.
- **Budget Proviso 9.54**, passed in FY08, authorized DHEC to assess an annual fee on hazardous waste generators and to levy a per ton fee on hazardous waste generated with the proceeds to be deposited into the HWCF.

These provisos were codified in 2008. Specifically:

- **Large-quantity generators**, as determined by R.61 79.262 (S.C. Hazardous Waste Regulations), producing 100 tons, or less, of hazardous waste per year are assessed an annual fee of \$1,000 per facility. If producing over 100 tons, the annual fee is \$1,000 plus \$1.50 per ton for all hazardous waste in a year that the company generates per Section 44-56-215.
- **Small-quantity generators** are assessed an annual fee of \$500. Fees collected shall not exceed an annual cap of \$15,000 per generator. In addition, there is a fee of \$1

CHART 1: HWCF’s Uncontrolled Sites Fund



per ton of hazardous waste in excess of 50 tons remaining in storage at the end of each quarter in accordance with S.C. Code Section 44-56-170(D). Companies subject to fees required by Section 44-56-170(F)(1)(1976) are exempt from these fees.

In recent years the interest and fees have provided about \$1.1 million in new revenues per year. In FY21, the opening balance of the USF was \$3,709,828.88. Revenues were \$1,436,311.65 and expenditures were \$2,427,141.97.

Revenues included \$1,112,706.17 in hazardous waste generator fees, storage fees, and interest

earnings. The revenue figure does not include a one-time transfer of \$952,193.66 of other DHEC funds that were transferred into the USF to reimburse site specific costs.

The USF closed FY21 with a balance of \$3,671,192.22. DHEC has obligated about \$1,032,571 for FY22 response actions and \$52,441 for U.S. Environmental Protection Agency cost shares in addition to the annual personnel and operating costs of about \$1.4 million.

DHEC is seeking additional recurring funds to ensure resources are available to conduct future response actions.



Well installation at the South Lake Site in December 2020.

TABLE 2: Uncontrolled Sites Fund Financial Snapshot for FY21

Opening Balance (07/01/20)	\$3,709,828.88
Revenues*	\$1,436,311.65
Total Expenditures (See Table below)	(\$2,427,141.97)
Adjustments - One-time transfer	\$952,193.66
Closing Balance (06/30/21)	\$3,671,192.22
FY22 Obligated as State Cost Share Match for National Priorities List (NPL) Sites**	(\$52,441.00)
FY22 Obligated for Site Response Activities (See the table on the following page.)	(\$1,032,571.00)
FY22 Obligated for Supplies, Equipment, Travel, etc.	(\$50,000.00)
FY22 Obligated for Administrative Expenses (Salaries, Fringe Benefits & Agency Assessment)	(\$1,400,000)
Un-obligated Balance for Uncontrolled Sites Fund (06/30/21)	\$1,136,180.22

* Includes hazardous waste generator fees, interest, reimbursement of oversight costs, cost recovery, and other miscellaneous income.

** At federal fund-lead National Priorities List (NPL) sites, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requires the state to provide a 10 percent cost share for remedial actions. South Carolina currently has an outstanding cost share of \$419,528 for the Palmetto Wood Preserving Site. This obligation is being paid in 10 annual payments, which DHEC began paying in FY20. DHEC expects potential cost shares in the next several years at two other sites - Barite Hill Mine and Cone Mills/Union Bleachery.

In FY21, DHEC made the sixth annual payment for the existing interim groundwater treatment system at the Brewer Gold Mine Site (\$74,665 per year for 15 years). Beginning in FY18, these payments were made from a special fund established for this site rather than the USF. Within the next few years, DHEC also may be required to pay a 10 percent cost share for a new treatment system at the Brewer Gold Mine Site as well as the associated annual operation and maintenance (O&M) costs for the treatment system. These costs are estimated at more than \$1.5 million per year.

TABLE 3: Breakdown of Total FY21 Expenditures

Uncontrolled Sites (Contractual - Does not include over \$2.3 million spent from site-specific settlement accounts and other DHEC funds.)	\$1,022,886.12
Emergency Response	\$10,100.56
Salaries, Fringe Benefits, Agency Administrative Assessment	\$1,394,155.29
TOTAL EXPENDITURES	\$2,427,141.97

FY22 & 23 Contractual Obligations

This table shows site-specific obligations (about \$1,078,359 for FY22 and \$862,000 for FY23) that have been assigned to a state contractor or which are planned to be assigned. These sites represent a very small portion of DHEC’s inventory of known uncontrolled waste sites.

Based on recent and historical averages, it is estimated the existing inventory of sites will present a liability to the Uncontrolled Sites Fund in the tens of millions of dollars or more.

TABLE 4: Contractual Obligations for FY22 & FY23

OBLIGATION	DESCRIPTION	FY22 AMOUNT	FY23 AMOUNT
AVA Industries and Columbus Industries	Groundwater Investigation	\$50,271	\$0
Bamberg Hwy 301	Private Well Sampling, Filter Maintenance	\$12,000	\$12,000
Cone Mills/US Finishing	Annual Operation and Maintenance and Receiver Activities	\$40,000	\$20,000
Edison Mall	Site Characterization	\$34,189	\$20,000
EFP Products		\$7,834	\$0
Elkwood Street	Assessment and Removal Action	\$19,995	\$30,000
Elmore Waste Disposal (NPL Site)***	Groundwater Remediation System, Operation and Maintenance	\$122,715	\$125,000
Florence Steam Laundry	Indoor Air Sampling	\$1,445	
Fouke Fur	Removal Action		\$50,000
I-85 Manufacturing & Distribution Center	Operation of Stream Sparging System, Additional Site Characterization, Pilot Study	\$73,287	\$75,000
Palmetto Wood Preserving (NPL Site)***	Annual Operation and Maintenance, Sampling	\$20,000	\$20,000
Pelion Well Contamination	Maintenance and Sampling of Private Well Filters	\$10,000	\$10,000
Philip Services Corp.	Groundwater Treatment System Operation and Maintenance, Legal	\$600,000	\$600,000
Reeves Brothers	Removal of Acid Tank		\$20,000
Suffolk Chemical	Groundwater Remediation Operation and Maintenance	\$19,345	\$20,000
Unisphere	Groundwater Assessment	\$32,065	
TOTAL PLANNED CONTRACTUAL OBLIGATIONS		\$1,032,571	\$952,000

***These obligations are related to DHEC’s Long-Term Operation and Maintenance requirements for EPA Fund-Lead Remedial Actions at National Priorities List (NPL) Sites. These amounts do not include DHEC’s outstanding cost share obligations which are shown in the “Uncontrolled Sites Fund Financial Snapshot for FY21” on the previous page.

NOTE: These total planned contractual obligations figures do not include State-lead activities funded by site-specific cleanup funds established through cost recovery activities.

Primary Uses of the Uncontrolled Sites Fund

STATE-LEAD RESPONSE ACTIONS

The primary uses of the Uncontrolled Sites Fund (USF) are to provide funds for:

- **Contractual services** to perform state-funded investigation and cleanup activities at sites where other funds are not available;
- **Personnel and operating costs** to implement the program for conducting response actions; and
- **Obligations to the U.S. Environmental Protection Agency (EPA)** for sharing costs at certain federal National Priorities List (NPL) Superfund sites where there is no viable responsible party.

The State Superfund Program evaluates and sets priorities for sites in order to address the worst cases first. Unless the S.C. Department of Health and Environmental Control (DHEC) deems an imminent threat exists or a criminal investigation necessary, state funded response actions generally are conducted only after DHEC initiates the appropriate procedures to secure alternative funding. Considerable time and effort are expended to ensure that all available funds from the responsible parties and other sources are used before drawing on the USF.

In most cases, DHEC attempts to negotiate voluntary cleanup contracts or other settlements with responsible and non-responsible parties. Various styles of settlements with responsible and non-responsible parties require settling parties to perform investigations to determine the source, nature, and extent of contamination and/or clean up contaminated sites, to fund these response activities themselves, or reimburse the agency's response costs.

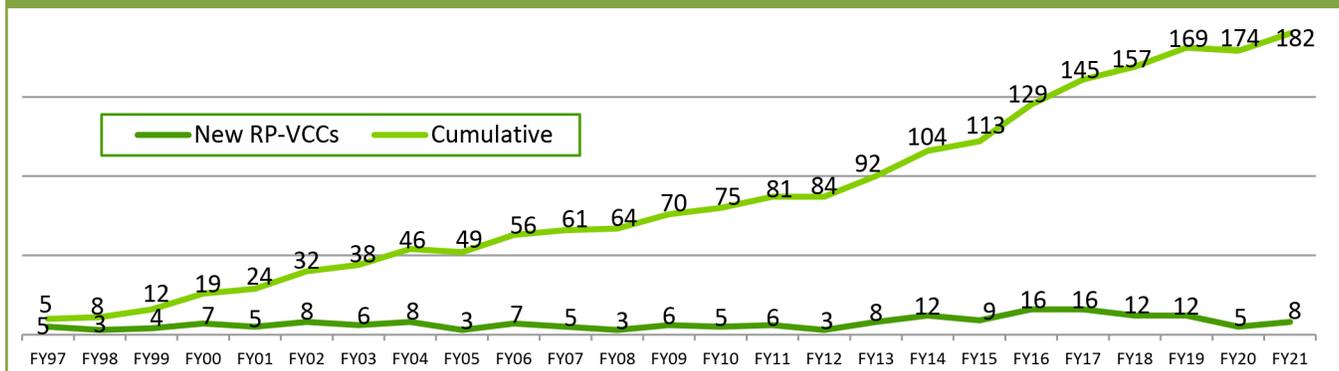
With many of these settlements, DHEC typically includes a covenant not to sue for the work performed by the responsible or non-responsible parties to the agency's satisfaction and contribution protection from other responsible parties that may seek reimbursement of all or a portion of costs of responding to environmental conditions at a site.

When a responsible or non-responsible party enters into an agreement or voluntary cleanup contract with DHEC to pay for or perform response activities, program staff must review and approve all investigation plans, environmental reports, sampling data, and other activities associated with the cleanup of contaminated sites to assure that public health and the environment are protected. Under these contracts and agreements, parties are required to reimburse DHEC's costs for oversight activities.

The authority of DHEC to use the USF and to seek cost recovery provides leverage that may encourage responsible parties to come forward voluntarily. Further, DHEC performs public participation/community involvement activities pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the National Contingency Plan (NCP) to ensure that affected communities have knowledge of, and input into, the cleanup.

The chart below shows the number of responsible party voluntary cleanup contracts (RP-VCCs) executed and the cumulative total for each fiscal year (FY) since the first RP VCC was executed in FY97 (July 1, 1996 to June 30, 1997). Eight RP-VCCs and one letter agreement were executed and two RP-VCCs were under negotiation at the end of FY21.

CHART 5: Responsible Party Voluntary Cleanup Contracts



ENVIRONMENTAL RESPONSE

DHEC's Environmental Response Program responds to accidental spills and other issues associated with the transportation of hazardous material as well as other incidents where hazardous material is spilled, illegally dumped, or otherwise abandoned on public property. The Emergency Response Program administers the Emergency Response Contract, which is used to secure, sample, and properly dispose of waste. These activities are funded by the USF.

In FY21, the Emergency Response Program spent \$10,100 responding to a single emergency incident. The Emergency Response Program typically seeks reimbursement from the National Pollution Funds Center and/or the responsible parties. In FY21, nothing was recovered, but a claim for the single incident remains pending. The amount of reimbursement varies from year to year depending on the number and types of incidents that occur. All reimbursements are returned to the USF.

ADMINISTRATIVE COSTS/SALARIES

DHEC uses USF monies for salaries and program administration. The USF currently funds about 19.5 full-time equivalent (FTE) positions that perform site prioritization activities, project management, technical reviews, field oversight, cost recovery activities, public participation activities, and other administrative activities. During FY21, the USF provided \$1,394,155.29 for salaries, fringe benefits, agency administrative assessments and other operating costs. These costs are included in DHEC's cost recovery efforts against responsible parties.

CRIMINAL INVESTIGATIONS

The State Superfund Program also assists DHEC's Office of Criminal Investigations by providing technical assistance and contractual services for gathering evidence for environmental crime cases. After the initial criminal investigation activities are completed, DHEC may perform or oversee additional cleanup activities.

FEDERAL-LEAD SUPERFUND SITES

Cleanup activities on most federal Superfund NPL sites are funded by private parties and most of DHEC's day-to-day costs to assist in oversight of these projects are funded through the Support Agency Cooperative Agreement with EPA. Where there is no existing viable responsible party and the site is listed on the NPL, the state must agree to share in the cleanup costs for EPA to encumber federal Superfund monies to implement a remedy at these types of sites - known as Federal Fund-lead NPL sites.

At these sites, DHEC must agree to pay 10 percent of the remedial construction costs and, once a remedy is constructed and effectively working, 100 percent of the long-term operation and maintenance costs. These costs, as well as other costs DHEC may incur for activities such as natural resource damages assessments and support to EPA's Emergency Response and Removal Branch, are outside the scope of the EPA cooperative agreement and are paid for by the USF. In FY21, the USF supported DHEC response actions at three federal fund-lead NPL sites - Brewer Gold Mine, Elmore Waste Disposal, and Palmetto Wood.

CHART 6: Number of Sites Addressed/Supported by Hazardous Waste Contingency Fund by FY



In November 2009, DHEC assumed responsibility for all the O&M costs for the existing groundwater pump and treatment system at the Elmore Waste Disposal Site in Greer. DHEC incurred \$121,000 in contractor O&M costs in FY21. For FY22, DHEC's contractor costs are expected to be roughly \$123,000.

DHEC also has assumed responsibility at the Palmetto Wood Site where annual operations and maintenance costs have been about \$15,000. FY22 O&M costs are anticipated to be about \$12,000. In addition, DHEC is making annual payments of \$52,411 toward an outstanding cost share of \$419,528 for the Palmetto Wood Site. Two other NPL sites, Barite Hill Mine and Cone Mills/US Finishing/Union

Bleachery may require cost shares in the next several years.

In FY16 and FY17, the USF was used to pay EPA for the first two of 15 annual payments of \$74,665 for South Carolina's cost share for the Interim Remedial Action at the Brewer Gold Mine Site. Beginning in FY18, this payment was made from a special site-specific account established for the Brewer Site.

In about 2025, South Carolina will be required to fund 10 percent of the cost of a cap and new wastewater treatment system at this site. DHEC's cost share for construction is expected to exceed \$2 million while O&M costs are expected to be more than \$1.5 million.

State Superfund Program

SECTION 5

The mission of the State Superfund Program is to protect human health and the environment by requiring investigation and cleanup of abandoned and uncontrolled hazardous waste sites and by taking short term actions to mitigate immediate threats. The S.C. Department of Health and Environmental Control (DHEC) focuses its attention and financial resources on the sites that pose the greatest risk. DHEC's Bureau of Land and Waste Management's Division of Site Assessment, Remediation and Revitalization is responsible for managing state-lead response actions and supporting federal-lead response actions.

Response Process

The State Superfund process begins with site discovery or notification of possible releases of hazardous substances.

DHEC's site assessment and remediation process may include a short-term removal action or a complex and lengthy remedial investigation and long-term cleanup.

- **Removal Process** – If a site requires immediate attention, DHEC may perform an emergency response or removal action to address immediate threats.
- **Remedial Process** – If a site does not pose an imminent threat, it is screened to determine whether it warrants further evaluation for remedial (i.e., long-term) measures. If a site does not qualify for placement on the

U.S. Environmental Protection Agency's National Priorities List (NPL), then cleanup is addressed by the State Superfund Program.

- **RI/FS Phase** – A Remedial Investigation (RI) is an in-depth investigation to determine the source, nature, and extent of contamination at a site. The Feasibility Study (FS) provides a comparison of various cleanup options that would make the site safe for the public and the environment.
- **Proposed Plan Phase** – From the information in the FS, a Proposed Plan is developed offering a preferred remedial option. The public is given a 30-day comment period during which a meeting is held to encourage community input and participation in the final remedy selection.
- **ROD Phase** – After the comment period, DHEC formally documents the selected remedy in the Record of Decision (ROD).
- **RD/RA Phase** – After the ROD, the project enters the Remedial Design/Remedial Action (RD/RA) phase where the remedy is designed and implemented. Ongoing monitoring occurs to ensure that the remedy remains protective of public health and the environment.
- **Closure** – The matter will be closed if DHEC determines the cleanup is complete and no additional response action is required.

Community Process

DHEC strives to inform the public of environmental impacts of contamination in their communities and to involve those communities in decision-making opportunities.

Depending on specific needs of the community as well as state and federal law, DHEC:

- **Establishes a community relations plan** for state-lead sites as appropriate;
- **Holds community meetings and availability sessions** specific to site needs and various phases of response. Due to Covid-19, DHEC's FY21 community meetings were held virtually;
- **Provides notice in a local newspaper of 30-day periods to comment on proposed cleanup activities and availability of the administrative record** (which contains decision-making documents and which is made available at a local library and at DHEC's Bureau of Land and Waste Management office);

- **Provides notice of 30-day periods to comment on proposed settlements with responsible parties and publishes such notice** in a local newspaper and/or the South Carolina State Register;
- **Provides environmental reports, proposed contracts, public meetings and other information** on DHEC's website for the public;
- **Participates or assists in media releases;** and
- **Provides fact sheets** specifically written for local communities.

TABLE 7: Community Involvement in FY21

TYPE OF ACTIVITY	NUMBER
Community Meetings	2
Newspaper Notices	9
Public Comment Periods	6



Sampling being conducted at the Can City Road site in April 2021.

Permitted Site Fund: History & Status

The Hazardous Waste Contingency Fund (HWCF) Permitted Site Fund (PSF) was established pursuant to Section 44-56-160(B)(1) of the S.C. Hazardous Waste Management Act (HWMA) to ensure the availability of funds for response actions arising from the operation of permitted land disposal facilities in South Carolina. At the time the Permitted Site Fund (PSF) was established, the only permitted hazardous waste land disposal facility in South Carolina was Pinewood Landfill located in Sumter County. The PSF was funded by a portion of the fees imposed on generators who sent their hazardous wastes for disposal at the Pinewood facility. After Pinewood closed, no new revenue source to replace the generator fees was identified for the PSF. Post-closure revenues are from interest accrued on the deposit.

The PSF may be used for response actions arising from the operation of the Pinewood facility. The HWMA defines a “response action” as “any cleanup, containment, inspection or closure of a site ordered by the director as necessary to remedy actual or potential damages to public health, the public welfare, or the environment.”

Subsequent to the creation of the PSF, the General Assembly approved a proviso that authorizes the S.C. Department of Health and Environmental Control (DHEC) to expend funds from the PSF for legal services related to environmental response, regulatory and enforcement matters including administrative proceedings and actions in state and federal courts.

DHEC used the PSF during 2014, 2015 and part of 2016 for the preservation of information contained on thousands of manifests which document waste disposal at and during the operation of Pinewood. These manifests provide critical information concerning the origin, type, volume, and description of hazardous wastes sent there.

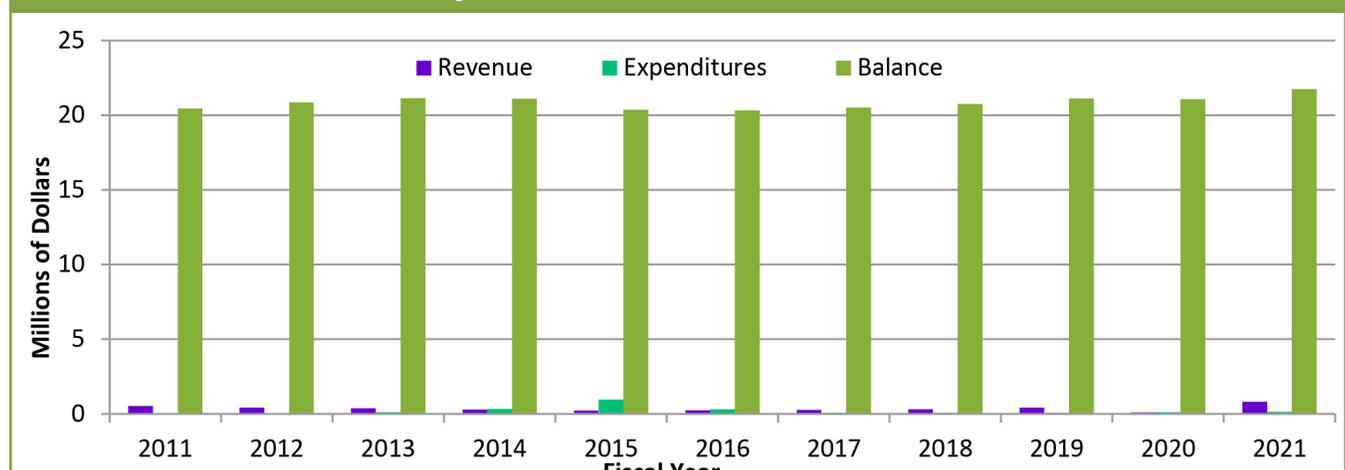
The manifest preservation project included scanning and auditing of the manifests, database creation and data entry, and quality assurance/quality control. In addition, the PSF continues to provide partial support for staff who perform technical, enforcement and compliance activities at the Pinewood Facility.

TABLE 8: HWCF Permitted Site Fund Financial Snapshot (FY11* to FY21)

FY	REVENUES (Interest)	EXPENDITURES	BALANCE
2011	\$537,807	\$1,013	\$20,453,774
2012	\$426,479	\$14,138	\$20,866,115
2013	\$389,855	\$113,978	\$21,141,992
2014	\$287,993	\$335,386	\$21,094,599
2015	\$236,614	\$958,563	\$20,372,650
2016	\$257,198	\$314,007	\$20,315,841
2017	\$279,203	\$78,897	\$20,516,147
2018	\$324,746	\$77,989	\$20,762,904
2019	\$420,034	\$69,014	\$21,113,925
2020	\$94,537	\$121,900.78	\$21,086,561
2021	\$807,612	\$131,441	\$21,762,732

* Information prior to FY11 is unavailable due to a change in DHEC’s accounting system.

CHART 9: Permitted Site Fund by Fiscal Year



BUREAU OF LAND & WASTE MANAGEMENT

