

BUREAU OF LAND & WASTE MANAGEMENT

SOUTH CAROLINA

HAZARDOUS WASTE CONTINGENCY FUND

ANNUAL REPORT



FISCAL YEAR 2022



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) 2022 (July 1, 2021 to June 30, 2022) 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 Fouke Fur Site in FY22.

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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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FRONT /BACK COVER: Pictured are aerial photographs taken from a drone of the Congaree River Sediment Cleanup that began in FY22.



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 FY22:

- **DHEC's Division of Waste Management** (with funding support from the Permitted Site Fund) **continued to support staff with responsibility for 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 additional recurring state appropriations.



The steam sparging system in operation at the I-85 Distribution Center Site. The Department spent nearly \$65,000 in FY22 to treat water using this remediation system.

Uncontrolled Sites Fund: FY22 Actions

The Uncontrolled Sites Fund (USF) supported activities at about 280 sites in Fiscal Year (FY) 2022 (July 1, 2021 to June 30, 2022). 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 hundreds of thousands in contractor costs for investigation and cleanup. A few FY22 highlights are described below. Table 1 on Page 4 lists some highlighted sites which received the most significant expenditures in FY22.

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 also continued operating the groundwater pump and treat system. Total costs for the site were approximately \$665,000, including approximately \$534,000 in direct contractor costs.

In FY22 DHEC continued operating the groundwater pump and treat system. Total costs for the site were approximately \$429,370. A final settlement, which includes future cleanup activities funded by responsible parties, was approved by the court in December of 2022.

I-85 DISTRIBUTION CENTER SITE

The I-85 Distribution Center Site is a former textile manufacturing facility located in Spartanburg, South Carolina. The site consists of a 463,000 square foot plant that was used from 1959 to 1982 to manufacture and distribute apparel.

Sludge in the on-site lagoon was identified as a significant source of groundwater contamination, with PCE being found at unsafe levels. Following failure to reach an agreement with the PRP, the Department conducted a removal operation in 1998 which removed nearly 400,000 lbs. of contaminated sludge.

In FY03, to remediate the affected area, the Department installed an air sparging system in a nearby tributary to Fairforest Creek. In June 2007, the Department responded to a release of oil that resulted from vandalism, which required the remediation system to be cleaned before being put back into use. By 2022, over 900 million gallons of water had been treated by the stream sparging system.

The Department still operates the stream sparging system and conducted a pilot study for groundwater remediation. Total costs for the site in FY22 were approximately \$64,217.66.

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 again responded to odors at the same address and reported to DHEC that the owner was trying to recover precious metals from circuit boards. In July 2021, DHEC again removed and properly disposed the hazardous materials from the property. The contractor costs for the second removal were approximately \$16,650.

The case was referred for an enforcement action for potentially illegal disposal of hazardous waste. Total costs for this site were approximately \$19,492.43 for FY22.

ELMORE FRANK SITE

The Elmore Frank Site was a drum disposal site located near Greer in Spartanburg County. Between 150-300 drums and a 6,000 gallon partially buried tank containing liquid wastes and waste oil were located on the site. The EPA placed the site on the National Priorities List in 1989. A groundwater pump and treat system was installed to treat the affected area.

On November 30, 2009, DHEC officially took over ownership, operation, and maintenance of the groundwater pump and treat remedy. The Department became responsible in full for operating, maintaining, and monitoring the performance of the groundwater remedy in compliance with the Record of Decision and the Superfund State Contract with EPA.

In FY22, total costs for the Department were approximately \$117,966.35.

CONGAREE RIVER SEDIMENT CLEANUP

In 2010, DHEC and Dominion Energy (formerly SCE&G) began investigating the presence of tar-like material (TLM) that originated from an early 1900s manufactured gas plant on Huger Street in downtown Columbia.

After numerous studies and evaluation of cleanup alternatives, DHEC selected a remedy which included placing two coffer dams in the river, pumping out water, and extracting TLM and impacted sediments. After long-term efforts to complete an Army Corps of Engineers permitting process, Dominion Energy began construction of the coffer dam late in FY22.

Excavation is scheduled to begin in FY23. The HWCF funds staff working on this project.

RESPONSIBLE PARTY VOLUNTARY CLEANUP CONTRACTS & CONSENT AGREEMENTS/ORDERS

During FY22, DHEC negotiated and executed

- **Ten Responsible Party Voluntary Cleanup Contracts** (RP VCCs); and

Staff also issued:

- **Two 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 three 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. Beginning in FY23, DHEC will take over the monitoring and maintenance of water filters for wells that have had a filtration system installed for one year.

TABLE 1: Significant Site Expenditures for FY22

TYPE OF ACTIVITY	NUMBER
Phillip Services Corporation	\$429,370.28
Elmore (Frank) Site	\$117,966.35
I-85 Distribution Center	\$64,217.66
Palmetto Wood Preserving, Inc	\$62,814.81
Ava Industries	\$28,270.28
Suffolk Chemical	\$20,714.58
Cone Mills Corp/Union Bleachery Plant	\$20,093.40

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.
- In FY08, Budget Proviso 9.54 authorized DHEC to

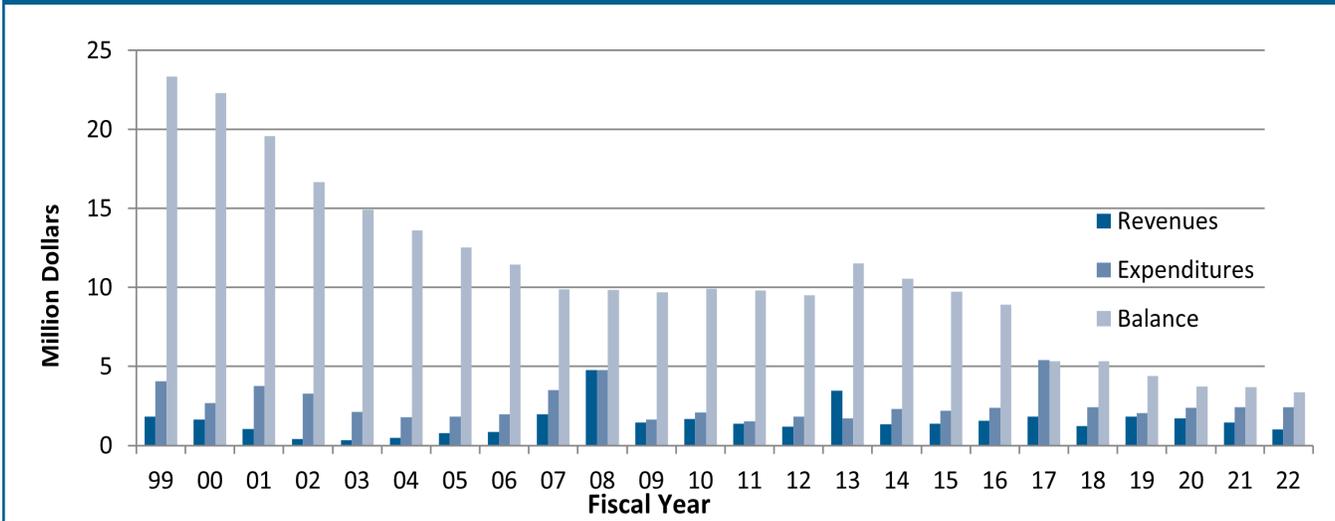
assess an annual fee on hazardous waste generators and to levy a per ton fee on hazardous waste generated with the proceeds to be deposited into the HWCF.

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 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 approximately \$1 million in new revenues per year. In FY22, the opening balance of the USF was \$3,671,192.22. Revenues were \$841,253.31 and expenditures were \$2,153,870.91. The revenue figure does not include a one-time transfer of \$723,630.02 of other DHEC funds that were transferred into the USF to reimburse site-specific costs.

CHART 2: HWCF's Uncontrolled Sites Fund



The USF closed FY22 with a balance of \$3,082,204.64. DHEC has obligated about \$1,337,988.25 for FY23 response actions and \$52,441.00 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.



An aerial view of the location at the Phillip Services Corporation site. The Department spent nearly \$430,000 in FY22, mostly to continue operation of the groundwater pump and treat system.

TABLE 3: Uncontrolled Sites Fund Financial Snapshot for FY22

Opening Balance (07/01/21)	\$3,671,192.22
Revenues*	\$841,253.31
Total Expenditures (See Table below)	(\$2,153,870.91)
Adjustments - One-time transfer	\$723,630.02
Closing Balance (06/30/22)	\$3,082,204.64
FY23 Obligated as State Cost Share Match for National Priorities List (NPL) Sites**	(\$52,441.00)
FY23 Obligated for Site Response Activities (See the table on the following page)	(\$1,337,988.25)
FY23 Obligated for Supplies, Equipment, Travel, etc.	(\$50,000.00)
FY23 Obligated for Administrative Expenses (Salaries, Fringe Benefits & Agency Assessment)	(\$1,400,000)
Un-obligated Balance for Uncontrolled Sites Fund (06/30/22)***	\$1,129,028.88

* 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 \$314,644 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 FY22, DHEC made the seventh 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 O&M costs are estimated at more than \$1.5 million per year.

TABLE 4: Breakdown of Total FY22 Expenditures

Uncontrolled Sites (Contractual - Does not include approximately \$180,000 spent from site-specific settlement accounts and other DHEC funds.)	\$819,373.86
Emergency Response	\$24,503.74
Salaries, Fringe Benefits, Agency Administrative Assessment	\$1,334,497.05
TOTAL EXPENDITURES	\$2,153,497.22

FY23 & 24 Contractual Obligations

This table shows site-specific obligations (about \$1,078,359 for FY23 and \$862,000 for FY24) 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 5: Contractual Obligations for FY23 & FY24

OBLIGATION	DESCRIPTION	FY23 AMOUNT	FY24 AMOUNT
AVA Industries and Columbus Industries	Groundwater/Source Investigation	\$166,846	
Bamberg Hwy 301	Private Well Sampling, Filter Maintenance	\$12,000	\$12,000
Cone Mills/Carlisle Finishing	Sampling Activities	\$6,527	
Edison Mall	Site Characterization	\$22,891	
Elmore Waste Disposal (NPL Site)***	Groundwater Remediation System, Operation and Maintenance	\$132,737	\$135,000
Fouke Fur	Assessment/Removal Action	\$23,000	\$50,000
Galey & Lord	PW Sampling and Filter Maintenance	\$64,097	\$50,000
I-85 Manufacturing & Distribution Center	Operation of Stream Sparging System, Additional Site Characterization	\$57,961	\$75,000
Industrial Chemical Company Landfill	Private Well Sampling	\$1,742	
Kerr Finishing/Renfrew	Residential Soil Sampling	\$11,917	
Palmetto Wood Preserving (NPL Site)***	Annual Operation and Maintenance, Sampling	\$20,000	\$20,000
Pelion Well Contamination	Maintenance and Sampling of Private Well Filters	\$8,000	\$8,000
Philip Services Corp.	Groundwater Treatment System Operation and Maintenance, Legal	\$483,487	\$25,000
Reeves Brothers	Removal of Acid Tank	\$20,000	\$20,000
Suffolk Chemical	Groundwater Remediation Operation and Maintenance	\$19,345	\$20,000
Trebie Road Site	Waste Characterization (FY23) Removal Action (FY24)	\$238,427.25	\$266,439.82
Winnsboro Excavation	Excavation, Sampling, Drum Removal	\$49,011	\$8,067.50
TOTAL PLANNED CONTRACTUAL OBLIGATIONS		\$1,337,988	\$689,507.32

*** 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 FY22" 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 is 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 ensure 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.

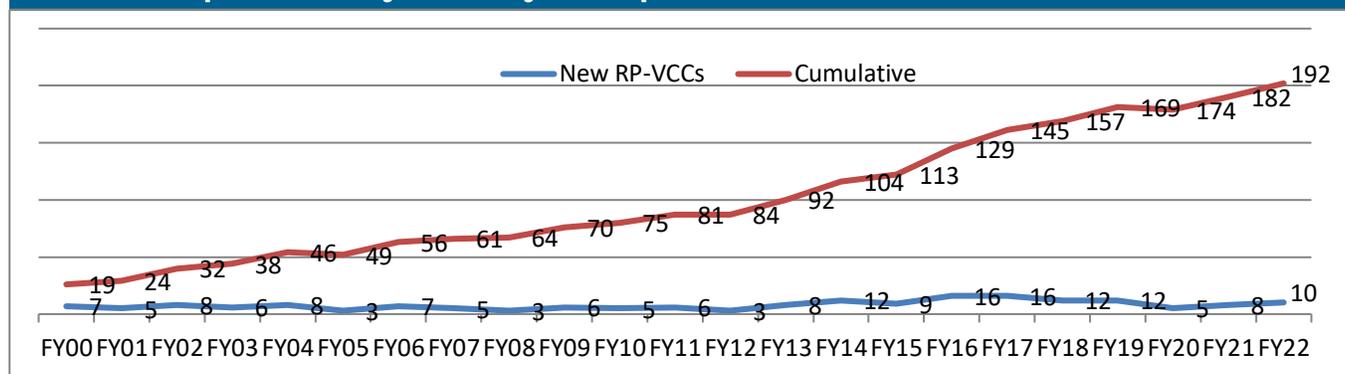
The chart below shows the number of responsible party voluntary cleanup contracts (RP-VCCs) executed and the cumulative total for each fiscal year (FY) since the first RP VCC was executed in FY97 (July 1, 1996 to June 30, 1997). Ten RP-VCCs and one letter agreement were executed and three RP- VCCs were under negotiation at the end of FY22.

EMERGENCY 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 FY22, the Emergency Response Program expended \$24,503.74 responding to a single emergency incident. The Emergency Response Program typically seeks

CHART 6: Responsible Party Voluntary Cleanup Contracts



reimbursement from the National Pollution Funds Center and/or the responsible parties. In FY22, no amount 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 17 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 FY22, the USF provided \$1,430,240.89 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 (O&M) 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 FY22, the USF supported DHEC response actions at three federal fund-lead NPL sites - Brewer Gold Mine, Elmore Waste Disposal, and Palmetto Wood.

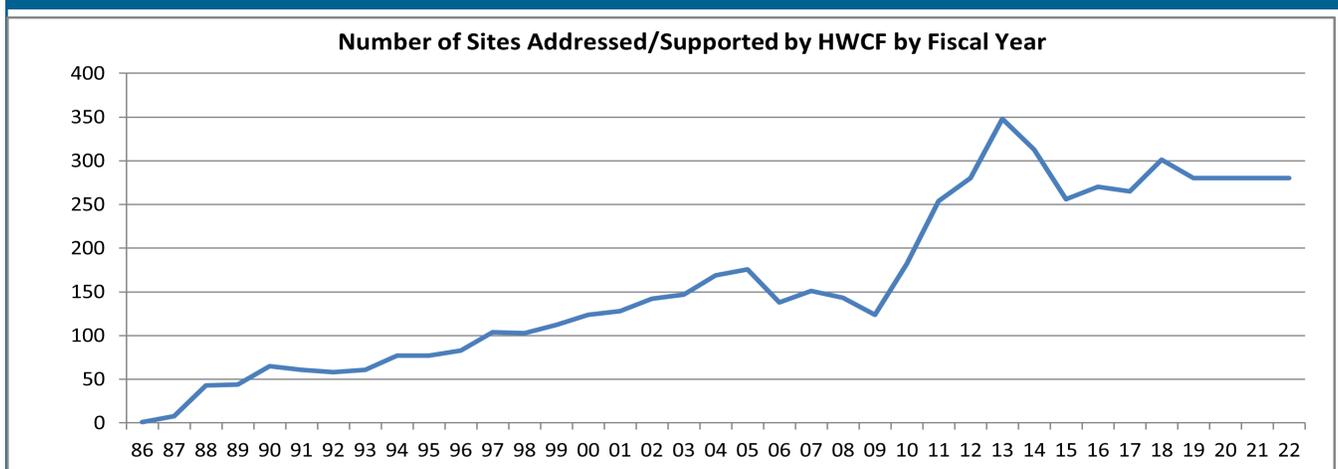
In November 2009, DHEC assumed responsibility for all the O&M costs for the existing groundwater pump and treatment system at the Elmore Waste Disposal Site in Greer. DHEC incurred \$111,200 in contractor O&M costs in FY22. For FY23, DHEC's contractor costs are expected to be roughly \$133,000.

DHEC also has assumed responsibility at the Palmetto Wood Site where annual O&M costs have been about \$12,000. FY23 O&M costs are anticipated to be about \$20,000. In addition, DHEC is making annual payments of \$52,441 toward an outstanding cost share of \$314,644 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 2028, 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 exceed \$1.5 million.

CHART 7: Number of Sites Addressed/Supported by Hazardous Waste Contingency Fund by FY



State Superfund Program

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.

Cleanups funded by the State Superfund program provide significant improvements to human and environmental health as well as benefits to the economy.

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.
- **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 8: Community Involvement in FY22

TYPE OF ACTIVITY	NUMBER
Community Meetings	2
Newspaper Notices	7
Public Comment Periods	4



A groundwater monitoring well being installed at the I-85 Distribution Center site. Total costs of the site for FY22 were approximately \$64,218.

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.

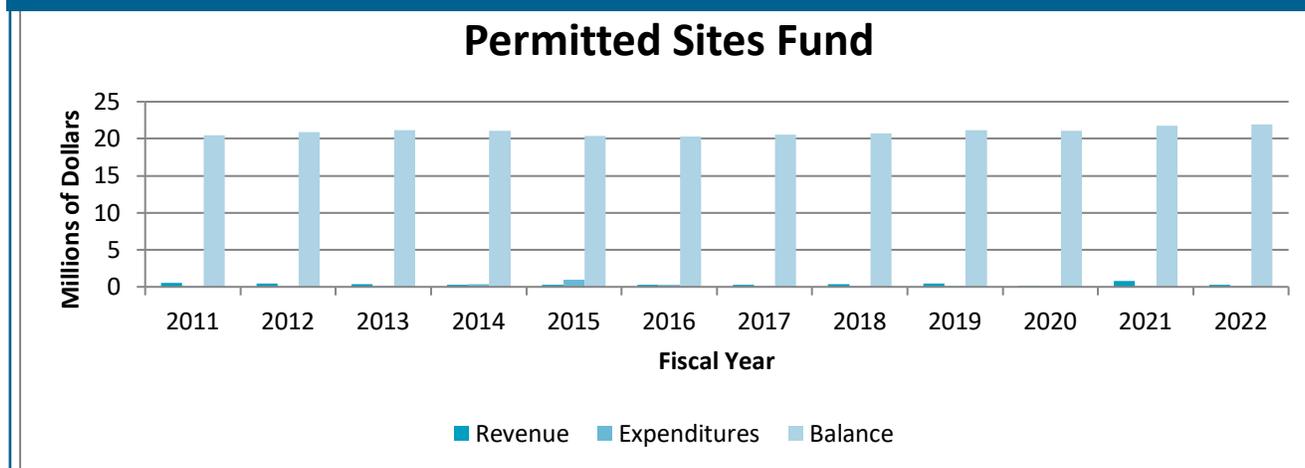
The manifest preservation project included scanning and auditing of the manifests, database creation and data entry, and quality assurance/quality control. In addition, the PSF continues to provide partial support for staff who perform technical, enforcement and compliance activities at the Pinewood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

TABLE 9: HWCF Permitted Site Fund Financial Snapshot (FY11* to FY22)

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	\$121,901	\$21,086,561
2021	\$807,612	\$131,441	\$21,762,732
2022	\$308,918	\$137,719	\$21,933,931

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

CHART 10: Permitted Site Fund by Fiscal Year



BUREAU OF LAND & WASTE MANAGEMENT

