2013-2014 General Assembly

- This is the second year of a two-year session. Bills introduced last year and this year will expire if not adopted by the end of the session.
- The following bills have been introduced:
Senate Bill 286

- Requires Recovered Materials Processing Facilities to:
  - Register with DHEC;
  - Report annually to DHEC the actual weight of material in tons or volume in cubic yards received during the fiscal year and recycled, and;
  - Provide Financial Assurance for closure.

- Referred to Senate Medical Affairs

House Bill 3827

- Relates to requests for final review of a decision of DHEC.
- Provides that a party may request a contested case hearing on a Department decision before the ALC, or
- May request a review of the Department decision by the Board
- The Board has sixty days to issue a determination
House Bill 3827

- A person to whom an emergency order is issued may apply directly to the ALC for relief and afforded a hearing within 48 hours.

- Approved by the House, in Senate Medical Affairs Committee

House Bill 3235

- SC Beverage Container Recycling Act
- Deposit beverage container distributors must:
  - register with the Department of Revenue;
  - Maintain records reflecting manufacture and importation of beverages; and,
  - Must pay a fee to the DOR for each deposit beverage container. The deposit is to be paid by the dealer or the consumer.
House Bill 3235

- Monies are to be used to establish redemption centers, support processors and provide grants to local governments for solid waste management, recycling, litter control, and other programs.

- Remains in the House Ag, Natural Resources, and Environmental Affairs Committee

House Bill 3847
House Bill 3847

- This is amendment to the South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act of 2010.
- This brings Computer Monitor Manufacturers into the program.
- Covered devices do not include a plastic, wood, or composite case that once held a covered device or was a subassembly of a covered device but is void of any electronics, leaded glass, or metal electronic components.

House Bill 3847 continued

- Television and computer monitor manufacturers must either join a representative organization or notify DHEC of their intent to fulfill their obligations by implementing a program.
- A representative organization shall submit a stewardship plan to DHEC for approval annually.
- Participating local governments must offer other covered devices collected to the manufacturer or representative organization.
House Bill 3847 Continued

- All recycling or reuse facilities must achieve and maintain third party certification.
- Local governments and other consolidators must ensure that collected material is transferred to an accredited recycling or reuse facility.

- Signed by Governor on 3/14/2014

House Bill 3901

- Requires the permit holder for on-premises consumption of beer, wine, or alcoholic liquors to recycle each beverage container sold on the premises.
- The permit holder has to certify to the Department of Revenue that it has a site-specific recycling plan.
- There are exemptions if it's not financially feasible to recycle.

- Remains in House Judiciary Committee
House Bill 3925

- Clarifies the person who may file a petition with DHEC for a declaratory ruling as to the applicability of a specific, existing regulatory program to discharge to the environment.
- A person is defined as someone other than DHEC or an agency, commission, department, or political subdivision of the State.
- No private cause of action is created by or exists under the Pollution Control Act

- Approved by House, in Senate Medical Affairs

House Bill 3290

- This is the Business Freedom to Choose Act, better known as the Flow Control Bill.
- The bill originally stated that an ordinance that restricts or prohibits disposal of waste or recyclables at a permitted facility regardless of location is inconsistent with the chapter (Solid Waste Policy and Management Act) and is void.
- The bill invalidates county ordinances that require the disposal of waste or recyclables at designated facilities.
House Bill 3290 Continued

- One amendment states that it does not prohibit enactment or enforcement of ordinances imposing user fees, zoning or land use ordinances, or ordinances authorizing a facility owned by a local government to refuse to accept waste generated outside its borders.
- One amendment states that consistency with zoning can be demonstrated by submitting a letter to DHEC from the local government.
- Senate Bill 286 was incorporated as an amendment.

House Bill 3290 Continued

- Approved by the House, reported out of Senate Medical Affairs, on Senate contested calendar
Senate Bill 1011

Offshore Wind Research and Development Activities

PSC shall adopt regulations:
- that encourage electric utilities to invest in offshore wind research and development activities; and
- that provide incentives and cost recovery for energy suppliers and distributors that invest in offshore wind research and development activities.

Regulations shall be adopted no later than January 1, 2015

Passed by Senate Judiciary Committee
Senate Bill 1189

- South Carolina Distributed Energy Resource Program
- Provides for a net energy metering program
- Provides for the lease of renewable electric generation facilities
- Requires the PSC to promulgate standards for renewable energy facility interconnection.

- Passed by Senate, currently in House Committee
Senate Bill 1032

- Relates to permits for coastal zone critical areas
- Includes temporary qualified wave dissipation devices in the beach/dune critical areas.
- OCRM may allow the use in a pilot project of any technology, methodology, or structure if it is reasonably anticipated that it will be successful in addressing erosion in a beach or dune area.
- If successful, the continued use may be allowed.
- Passed by Senate, in House Ag Committee
Senate Bill 1198

- A joint resolution to approve DHEC’s Water Pollution Control Permits, designated as document number 4444.
- The regulation addresses land application of sludge with PCB contamination, replacing an emergency regulation issued September 25, 2013.

Regulations

- Document number 4432 – Compost Regulation
- Document number 4388 – extensive amendment to R.61-62, Air Pollution Control Regulations and Standards (5/14/14)
- Document number 4425 – Water Classifications and Standards, addresses mercury in fish or shellfish (5/16/14)
House Bill 4482

- Designates the Columbian Mammoth as the Official State Fossil

- Approved by House, Amended and approved by Senate, Non-concurrence in Senate Amendment, going to conference committee
2013–2014 General Assembly

- Session ends June 5, 2014