

SWANA SC Palmetto Chapter 2014 Spring Conference Legislative Update



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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 its 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



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



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



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



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

