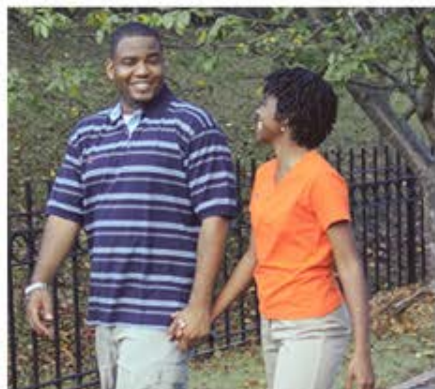




# DHEC's Solid Waste Financial Assurance Requirements

(New look same great taste)



# You're Thinking:



OR MAYBE YOU'RE THINKING THIS



**REMAIN CALM!  
ALL IS WELL!!!**





## Background

2008- Current regulations passed

Part I.A.2 says: ...The Department will automatically convert as an administrative modification all existing landfill permits to the appropriate Part as outlined in this regulation.

Translation: Permits with old reg citations will be updated to reflect new reg citations.



## Bottom Line

Many post-closure permits will have to be converted...

- Class 2 County Landfills-1
- Class 2 Private Landfills-7
- Class 3 County Landfills-48
- Class 3 Private Landfills-10



# How ever...





## It also requires:

Part I.E. (Financial Assurance Criteria) states that:

The requirements of this Section apply to all: Class One landfills, except landfills owned and operated by local government or a region comprised of local governments, State or Federal government; Class Two landfills, except landfills owned and operated by local government or a region comprised of local governments, State or Federal government; and, Class Three landfills, except landfills owned and operated by State or Federal government entities whose debts and liabilities are the debts and liabilities of the State or the United States.





# Breakdown-who needs financial assurance?

## Class 1 and Class 2

- Non-government owned landfills

## Class 3

- All Class 3's in South Carolina except those that are federally owned (Ft. Jackson, SRS)
- (County governments were previously exempt)

YES, THIS INCLUDES SITES IN POST-CLOSURE!!





## Ok, so what should my FA cover?

- Cost of Post-Closure Care
- Cost of Corrective Action (if applicable)
- See R.61-107.19 Part I Subpart E. for detailed requirements



## What should my FA cover? –Post Closure

1. Cover repair and seeding for 5% of landfill area
2. Routine Maintenance
3. Leachate collection
4. Landfill gas and groundwater monitoring
  - Cost of sampling each well X number of times per year for X many years left in post-closure period (including sampling supplies and personnel and analytical testing)
  - Cost to replace each well one time
5. Maintenance of gas extraction system (required if part of Corrective Action)
6. Inspections, record keeping and reporting
7. 10% contingency





## What should my FA cover? –Corrective Action

1. Maintenance of the corrective action system through the estimated corrective action period
  - If Landfill gas extraction is part of your corrective action, it should include the costs to run this system
2. 10% Contingency (minimum)



## Financial Assurance Mechanisms

1. Trust Funds
2. Surety Bond
3. Letter of Credit
4. Insurance
5. Corporate Financial Test
6. Local Government Financial Test
7. Local Government Guarantee
8. Certificates of Deposit
9. *State Approved Mechanism*
10. *Several Mechanisms May Be Used*



## More information

For more detailed information:

- R.61-107.19 Part I Subpart E
- Contact Pete Stevens at (803) 898-1372 or [StevenPF@dhec.sc.gov](mailto:StevenPF@dhec.sc.gov)



# Implementation

- Larry Leblang will give a presentation at the upcoming SC SWANA Spring Conference on May 10, 2017.
- In the coming weeks a letter will be prepared notifying permittees of the post closure permit conversion and what requirements they must meet in order to convert the permit.
- DHEC will prepare a template for post closure and corrective action cost estimates.
- On or around **June 15, 2017**, a letter will be sent to each PC permittee with the date for submittal of a revised cost estimate. The permittee will be given **180 days** to submit the requested information.

# Implementation Continued

- Upon receipt of the cost estimate (by **December 15, 2017**), staff will review and request additional information as needed.
- Upon approval of the cost estimate, staff will send a letter requesting submittal of the financial assurance mechanism within **60 days**.
- Upon receipt of financial assurance, prepare and issue a revised post closure permit.





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*The messenger  
requests that he  
please not be shot.*



## Contact Us

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