

Regulation 61-107.5

Solid Waste Management: Collection, Temporary Storage, and Transportation of Municipal Solid Waste

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SC DEPARTMENT *of*
ENVIRONMENTAL
SERVICES

Statutory Authority:

1976 Code Sections 44-96-370, 44-96-450, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

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A. Applicability.

1. This regulation is to establish minimum standards for the collection, temporary storage, and transportation of solid waste prior to processing, disposal, etc. of that waste. This regulation applies to any person who collects, temporarily stores, and/or transports municipal solid waste. Recovered materials are not subject to the requirements of this regulation.

2. Facilities collecting, temporarily storing, and transporting industrial solid waste generated solely in the course of normal operations on property under the same ownership or control as the facility are exempt from the requirements of this regulation.

B. Definitions.

1. "Collection" means the act of picking up solid waste materials from homes, businesses, governmental agencies, institutions, or industrial sites.

2. "Department" means the South Carolina Department of Environmental Services.

3. "Discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of solid waste, including leachate, into or on any land or water.

4. "Flood plain" means the lowland and relatively flat areas adjoining inland and coastal areas of the mainland and off-shore islands including, at a minimum, areas subject to a one percent or greater chance of flooding in any given year.

5. "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under subtitle C of RCRA. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

6. "Leachate" means the liquid that has percolated through or drained from solid waste or other man-emplaced materials and that contains soluble, partially soluble, or miscible components removed from such waste.

7. "Municipal solid waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas), generated by commercial establishments (stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding industrial facilities) and nonhazardous sludge.

8. "Nonputrescible" means solid waste that contains no putrescible waste.

9. "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

10. "Putrescible" means solid waste composed of items, such as foods, that will decompose and rot to produce a foul smelling odor.

11. "Recovered materials" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing, but does not include materials when recycled or transferred to a different site for recycling in an amount which does not equal at least seventy-five percent by weight of materials received during the previous calendar year.

12. "Solid waste" means any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1964, as amended. Also excluded from this definition are application of fertilizer and animal manure during normal agricultural operations or refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.

13. "Solid waste storage container" as defined by this Regulation means large receptacles, e.g., green boxes, dumpsters, rolloff containers, which are used as a central collection point for the temporary storage of solid waste. This definition does not apply to storage containers used by a single family unit or to litter receptacles which are regulated under Code Section 16-11-700. Any solid waste storage container used at a food service facility, e.g. restaurants, etc., regardless of size, is subject to the requirements of this regulation.

14. "Temporary storage" as defined by this Regulation means the containment of solid waste for a period of not more than seven (7) days prior to the ultimate disposal of the waste, e.g., green boxes are used for temporary storage of solid waste.

15. "Vector" means a carrier that is capable of transmitting a pathogen from one organism to another including, but not limited to, flies and other insects, rodents, birds, and vermin.

16. "Vehicle" means any motor vehicle, water vessel, railroad car, airplane, or other means of transporting solid waste.

17. "Waters of the State" means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.

C. General Provisions.

1. The collection, temporary storage and transporting of municipal solid waste shall be conducted in a manner to:

- a. Inhibit the harborage of flies, rodents, and other vectors;
- b. Prevent conditions for transmission of diseases to man or animals;

c. Prevent blowing debris and particulates so as not to be injurious to human health and the environment;

d. Prevent water pollution and prevent the escape of solid waste or leachate to waters of the State; and,

e. Minimize objectionable odors, dust, unsightliness, and aesthetically objectionable conditions, and prevent the accumulation of materials in an untidy and unsafe manner so as to become a fire and safety hazard.

2. The collection, temporary storage and transportation of solid waste shall comply with all other State and local laws, ordinances, rules, regulations, and orders.

3. When putrescible waste is mingled with other solid waste, the entire load of solid waste shall be considered putrescible waste.

D. Collection of Municipal Solid Waste.

1. Organized collection, e.g., drop-off centers, convenience centers, green boxes, curbside, etc., of putrescible solid waste shall be at a frequency which ensures the prevention of hazards and nuisances to health and the environment. Curbside collection of putrescible waste from residences shall be no less often than one (1) day per week. Collection from solid waste storage containers for putrescible waste from residences, food service facilities, e.g., restaurants, etc., shall be no less often than two (2) days per week unless an extension is requested and approved by the Department. If the potential for nuisances and/or hazards to health and/or the environment are detected, the Department may require more frequent collection. Collection of putrescible solid waste from food service facilities, e.g., restaurants, etc., may require daily collection to ensure the prevention of hazards and nuisances.

2. Organized collection of nonputrescible municipal solid waste shall be at a frequency which ensures the prevention of hazards and nuisances to health and the environment, but no less often than one (1) day per week unless an extension is requested and approved by the Department. This weekly collection requirement does not apply to construction and demolition debris.

3. Collectors shall ultimately dispose of solid waste at facilities and/or sites permitted or registered by the Department for processing or disposal of that waste stream.

E. Municipal Solid Waste Storage Containers.

1. Municipal solid waste storage containers shall be properly maintained to inhibit the harborage of vectors and to minimize objectionable odors.

2. Municipal solid waste storage containers shall be of construction which is readily cleanable with proper drainage to prevent pooling of water.

3. Areas around municipal solid waste storage containers shall be properly maintained to prevent hazards to health and the environment. Collectors shall be responsible for cleaning up refuse spilled during collection. Residents, businesses and industries shall be responsible for keeping the area clean.

4. Municipal solid waste storage containers shall not be closer than fifty (50) feet horizontal distance from the normal highwater mark of any waters of the State unless special provision is made which prevents wastes, or drainage therefrom, from entering waters of the State.

5. Whenever possible, municipal solid waste storage containers shall not be located in a 100-year flood plain. Municipal solid waste storage containers located in a 100-year flood plain shall demonstrate that the container will not restrict the flow of the 100-year flood.

6. Municipal solid waste storage containers shall not be located within 100 feet of a ground water well.

F. Municipal solid Waste Collection and Transportation Vehicles.

1. All vehicles used to collect and/or transport municipal solid waste shall be constructed and maintained so as to prevent dropping, sifting, or blowing or other escapement of solid waste from the vehicle.

2. Precautions shall be taken to prevent spillage or leakage during transport from all vehicles used to collect and/or transport municipal solid wastes that produce leachate.

3. All vehicles used to collect and/or transport putrescible solid wastes shall be emptied on a daily basis, unless an exemption is requested and approved by the Department.

4. Collection and transportation vehicles or other devices used in transporting putrescible solid waste shall be cleaned and maintained as often as necessary to prevent odors, insects, rodents, or other nuisance conditions.

5. The disposal of the waste water from the routine cleaning of municipal solid waste collection and transportation vehicles, i.e., the areas of the vehicle that come into contact with solid waste, shall be approved by the Department's Bureau of Water Pollution Control and the appropriate sewer system, if applicable, prior to disposal. Vehicles used only for the collection of inert waste, yard trash and land clearing debris are exempt from this subsection.

G. Violations and Penalties.

A violation of this regulation or any permit, order, or standard subjects the person to the issuance of a Department order, or to civil enforcement action in accordance with Code Section 48-1-330, or 44-96-450. Willful violation of this regulation or any permit, order, or standard subjects the person to the issuance of a Department order, or to criminal enforcement action in accordance with Code Section 48-1-320, or 44-96-450. A person to whom an order is issued may appeal it as a contested case pursuant to R.61-72 and the Administrative Procedures Act.

H. Severability.

Should any section, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of this regulation shall not be affected thereby.