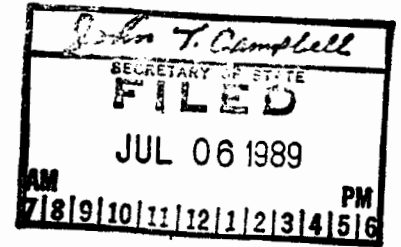


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# Executive Department



State of South Carolina

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EXECUTIVE ORDER NO. 89-25

STATE DOCUMENTS

**WHEREAS,** THE STATE OF SOUTH CAROLINA IS RESPONSIBLE FOR PROMOTING AND PRESERVING THE ENVIRONMENT OF THE STATE AND FOR PROTECTING THE PUBLIC HEALTH AND WELFARE; AND

**WHEREAS,** PRESERVATION OF THE ENVIRONMENT AND PROTECTION OF THE PUBLIC HEALTH REQUIRE PREVENTION OR ABATEMENT OF NUISANCES CAUSED BY UNCONTROLLED DISPOSAL OF HAZARDOUS WASTE; AND

**WHEREAS,** FOR THE FORESEEABLE FUTURE, GENERATION OF HAZARDOUS WASTE IS A NECESSARY CONSEQUENCE OF INDUSTRIAL ACTIVITY AND THE USE OF CONSUMER GOODS; AND

**WHEREAS,** ALL STATES GENERATE HAZARDOUS WASTE AND RECEIVE THE BENEFITS OF THE ECONOMIC ACTIVITY ATTENDANT THERETO; AND

**WHEREAS,** PRUDENT MANAGEMENT OF HAZARDOUS WASTE INCLUDES WASTE MINIMIZATION, WASTE REDUCTION, RECYCLING, AND ALTERNATIVE FORMS OF DISPOSAL, INCLUDING INCINERATION, CHEMICAL TREATMENT, AND LAND DISPOSAL; AND

**WHEREAS,** THE PUBLIC HEALTH AND THE QUALITY OF THE ENVIRONMENT IS BEST PROTECTED BY TREATING HAZARDOUS WASTE BEFORE DISPOSAL SO AS TO MINIMIZE ITS HAZARDOUS CHARACTERISTICS AND TO REDUCE ITS VOLUME; AND

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**WHEREAS**, EACH TREATMENT OR DISPOSAL FACILITY CREATES A BURDEN ON THE STATE AND LOCALITY IN WHICH IT IS SITUATED, IN THAT THE STATE AND LOCALITY MUST PROVIDE ADDITIONAL RESOURCES TO SUPPORT OPERATIONS OF SUCH A FACILITY AND WILL BE SUBJECTED TO ONGOING OPERATIONS AS WELL AS TO THE RESIDUE; AND

**WHEREAS**, BASED ON VOLUME OF HAZARDOUS MATERIAL CURRENTLY BEING TREATED OR DISPOSED OF AT FACILITIES LOCATED IN SOUTH CAROLINA, THIS STATE BEARS A DISPROPORTIONATE FRACTION OF THE BURDEN OF HAZARDOUS WASTE MANAGEMENT; AND

**WHEREAS**, THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED (CERCLA), REQUIRES THAT EACH STATE CERTIFY TO THE PRESIDENT BY OCTOBER 17, 1989, THAT IT WILL BE ABLE TO MANAGE HAZARDOUS WASTES GENERATED WITHIN ITS BORDERS FOR TWENTY YEARS; AND

**WHEREAS**, AFTER OCTOBER 17, 1989, NO CERCLA REMEDIAL ACTIONS CAN BE UNDERTAKEN UNLESS THE STATE FIRST ENTERS INTO A CONTRACT OR COOPERATIVE AGREEMENT WITH THE ENVIRONMENTAL PROTECTION AGENCY PROVIDING SUCH CERTIFICATION; AND

**WHEREAS**, THE ENVIRONMENTAL PROTECTION AGENCY HAS ISSUED GUIDANCE TO STATES WHICH SPECIFIES WHAT CONSTITUTES AN ACCEPTABLE CAPACITY ASSURANCE PLAN, ONE COMPONENT OF WHICH IS A REQUIREMENT THAT STATES WHICH PLAN TO RELY ON EXPORTATION OF WASTE STREAMS AS A WASTE MANAGEMENT STRATEGY, OBTAIN ASSURANCE FROM IMPORTING STATES IN THE FORM OF INTERSTATE AGREEMENTS THAT WASTE WILL BE ACCEPTED FOR TREATMENT AND DISPOSAL; AND

**WHEREAS**, SOUTH CAROLINA IS THE LOCATION OF A LAND DISPOSAL FACILITY FOR HAZARDOUS WASTE, THE CAPACITY OF WHICH IS FIXED BY S. C. CODE ANN. §44-56-60(A) AT 135,000 TONS PER YEAR; AND

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**WHEREAS,** SOUTH CAROLINA IS THE LOCATION OF TWO COMMERCIAL INCINERATORS WHICH HAVE CAPACITIES IN EXCESS OF THE NEEDS OF SOUTH CAROLINA GENERATORS; AND

**WHEREAS,** S. C. CODE ANN. §44-56-205 (1989) REQUIRES THAT ALL HAZARDOUS WASTE TREATMENT AND DISPOSAL FACILITIES IN SOUTH CAROLINA GIVE PREFERENCE TO SOUTH CAROLINA GENERATORS; AND

**WHEREAS,** AN INTERSTATE PLANNING PROCESS IS NECESSARY TO INSURE THE ORDERLY DEVELOPMENT OF TREATMENT AND DISPOSAL CAPACITY WHICH DISTRIBUTES THE BURDENS PROPORTIONALLY TO THE BENEFITS; AND

**WHEREAS,** SOUTH CAROLINA HAS TAKEN PART IN A REGIONAL PLANNING MEETING AT WHICH PROPOSALS FOR SHARING RESPONSIBILITY FOR DEVELOPMENT OF TREATMENT CAPACITY SUFFICIENT TO SERVE THE NEEDS OF THE REGION WERE DISCUSSED; AND

**WHEREAS,** THE EXISTING LAND DISPOSAL FACILITY IN SOUTH CAROLINA IS A LIMITED RESOURCE WHICH MAY BE AN ESSENTIAL ELEMENT IN THE HAZARDOUS WASTE MANAGEMENT PLANS OF MANY STATES; AND

**WHEREAS,** PLANNING IS ESSENTIAL TO INSURE THAT WASTE TREATMENT AND DISPOSAL CAPACITY WILL BE READY AND AVAILABLE TO SERVE THE NEEDS OF SOUTH CAROLINA AND OTHER STATES IN THE REGION.

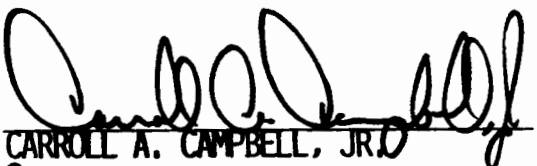
**NOW, THEREFORE,** I DO HEREBY ORDER THAT EFFECTIVE JULY 1, 1989, HAZARDOUS WASTE DISPOSAL FACILITIES OPERATING IN SOUTH CAROLINA SHALL RESERVE 54,000 TONS PER YEAR OF THE STATUTORY MAXIMUM OF 135,000 TONS PER YEAR FOR SOUTH CAROLINA GENERATED HAZARDOUS WASTE; PROVIDED, FURTHER, THAT OF THE REMAINING 81,000 TONS, A HAZARDOUS WASTE DISPOSAL FACILITY MAY NOT RECEIVE MORE THAN 35,000 TONS PER YEAR FROM ANY ONE STATE, OF WHICH A HAZARDOUS WASTE DISPOSAL FACILITY MAY NOT RECEIVE MORE THAN 10,000 TONS FROM ANY STATE IN ANY CALENDAR QUARTER, NOT TO EXCEED THE ANNUAL CAP OF 35,000 TONS. AND PROVIDED,

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FURTHER, THAT DURING THE TWELVE CALENDAR MONTHS FOLLOWING JULY 1, 1989, 27,000 TONS CAPACITY SHALL BE RESERVED FOR DISPOSAL OF MATERIAL WHICH IS THE BY-PRODUCT OF WASTE PRETREATMENT TO REDUCE ITS HAZARDOUS CHARACTERISTICS AND ITS VOLUME; DURING THE SUBSEQUENT TWO YEARS, THE AMOUNT SO RESERVED SHALL INCREASE BY 6,750 TONS EACH YEAR.

IF, AFTER THE THIRD QUARTER OF ANY CALENDAR YEAR, AND UPON DEMONSTRATION TO THE S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (THE "DEPARTMENT") THAT THE CAPACITY SO RESERVED FOR SOUTH CAROLINA GENERATORS WILL NOT BE REQUIRED IN THE REMAINDER OF THE YEAR, THE EXCESS CAPACITY MAY BE OFFERED TO OTHER GENERATORS. IN REVIEWING SUCH DEMONSTRATIONS, THE DEPARTMENT IS HEREBY DIRECTED TO CONSIDER PAST UTILIZATION OF THE SITE AND ANTICIPATED SOUTH CAROLINA NEEDS, INCLUDING BUT NOT LIMITED TO WASTE GENERATED FROM STATE AND FEDERAL SUPERFUND CLEANUP ACTIVITIES.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 6 DAY OF JULY, 1989.

  
CARROLL A. CAMPBELL, JR.  
GOVERNOR

ATTEST:

  
JOHN T. CAMPBELL  
SECRETARY OF STATE