**A** **BILL**

TO AMEND SECTION 44‑56‑170, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HAZARDOUS WASTE INCINERATION FEES, SO AS TO PROVIDE THAT IN ADDITION TO EXISTING INCINERATION FEES, A FACILITY THAT INCINERATES HAZARDOUS WASTE AND IS CLASSIFIED AS A LARGE QUANTITY GENERATOR SHALL PAY AN ADDITIONAL FEE OF ONE HUNDRED DOLLARS FOR A TON DISPOSED BY INCINERATION, AND TO PROVIDE FOR THE EQUAL ALLOCATION OF THE FUNDS BETWEEN THE COUNTY FUND AND THE DEPARTMENT’S UNCONTROLLED SITE FUND.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑56‑170 of the 1976 Code, as last amended by Act 257 of 2004, is further amended to read:

“Section 44‑56‑170. (A) ~~Each~~A generator ~~shall~~, no later than thirty days after the end of ~~each~~a calendar quarter, shall submit a written report to the department including, but not limited to, the following information:

(1) effective October 1, 1985, certification that he has a program in place to reduce the volume or quantity and toxicity of ~~such~~ waste to the degree determined by the generator to be economically practicable;

(2) effective October 1, 1985, certification that the proposed method of treatment, storage, or disposal is ~~that~~the practicable method currently available to the generator which minimizes the present and future threat to human health and the environment;

(3) the types and quantities of hazardous ~~wastes~~waste generated;

(4) the types and quantities of ~~these wastes~~this waste shipped for treatment and disposal by landfilling or other means of land disposal;

(5) the types and quantities of ~~these wastes~~this waste remaining in storage at the end of the reporting period; and

(6) a check made payable to the department for the amount of fee imposed on these wastes by the provisions of ~~paragraph (C.)~~subsection (C) of this section.

(B) ~~Each~~An owner/operator of a hazardous waste facility ~~shall~~, no later than thirty days after the end of ~~each~~a calendar quarter, shall submit a written report to the department including, but not limited to, the following information:

(1) the types and quantities of hazardous ~~wastes~~waste generated;

(2) the types and quantities of hazardous ~~wastes~~waste received at the facility during the reporting period;

(3) the types and quantities of hazardous ~~wastes~~waste treated, disposed of, and otherwise handled during the reporting period; and

(4) a check made payable to the department for the amount of ~~fees~~a fee imposed by ~~paragraph~~subsection (C) for ~~any wastes~~waste generated by the facility and handled in ~~such~~a manner ~~as~~ prescribed by its provisions; by ~~paragraph~~subsection (D) and by ~~paragraph~~subsection (E~~.~~).

~~Each~~An owner/operator of a hazardous waste facility ~~is~~, no later than thirty days after the end of ~~each~~a calendar quarter, ~~required to~~must submit to the department certification from ~~any~~an out‑of‑state generator ~~that~~if effective October 1, 1985:

(1) the generator has a program in place to reduce the volume or quantity and toxicity of ~~such~~this waste to the degree determined by the generator to be economically practicable; and

(2) the proposed method of treatment, storage, or disposal is ~~that~~a practicable method currently available to the generator which minimizes the present and future threat to human health and the environment~~;~~.

(C) There is imposed a fee of thirty‑four dollars for a ton of hazardous ~~wastes~~waste generated and disposed of in this State by landfilling or other means of land disposal.

(D) There is hereby imposed a fee of one dollar ~~per~~for a ton of hazardous ~~wastes~~waste in excess of fifty tons remaining in storage at the end of the reporting period.

(E) For ~~all~~ hazardous ~~wastes~~waste generated outside of the State and received at a facility during the quarter, ~~each~~an owner/operator of a hazardous waste land disposal facility shall remit to the department an amount equal to the ~~per ton~~ fee for a ton imposed on out‑of‑state waste by the state from which the hazardous waste originated but ~~in any event~~ no less than thirty‑four dollars a ton.

(F)(1) There is imposed a fee of ten dollars for a ton on the incineration of hazardous waste in this State whether the waste was generated within or outside of this State. ~~Fees~~A fee imposed by this ~~subsection~~item must be based on the amount of hazardous waste collected by the facility for incineration and must not include ~~any~~ nonhazardous ~~materials~~material added to the hazardous waste at the incineration facility for ~~purposes of~~ fuel blending. ~~These fees~~This fee must be collected by the facility ~~at which it is incinerated~~where the incineration of the hazardous waste occurred and remitted to the State Treasurer to be placed ~~into~~in a fund separate and distinct from the state general fund and entitled ‘Hazardous Waste Fund County Account’.

(2)(a) This fee must be credited to the benefit of the county where the incineration of the hazardous waste generating the fee occurred. If the amount of funds credited to a particular county annually exceeds five hundred thousand dollars ~~annually~~, the excess over five hundred thousand dollars must be credited to the general fund of the State.

(b) Effective July 1, 2000, the provisions of subitem (a) are no longer effective and ~~the fee must be allocated in the following manner~~: fifty percent of the fee must be allocated to the county where the incineration of the hazardous waste generating the fee occurred and fifty percent of the fee must be allocated to the general fund of the State.

(3) Funds in ~~each~~a county’s account must be released by the State Treasurer ~~upon~~on the written request of a majority of the county’s legislative delegation and used for infrastructure within the economically depressed area of that county.

(4)~~(a)~~ For purposes of this subsection~~,~~:

(a) ‘county legislative delegation’ ~~includes~~means only those members who represent the economically depressed areas of the county~~.~~;

(b) ~~For purposes of this subsection,~~ ‘incineration’ ~~includes~~includes hazardous waste incinerators, boilers, and industrial furnaces~~.~~; and

(c) ~~For the purpose of this subsection~~ ‘infrastructure’ means ~~improvements~~an improvement for a water, sewer, gas, steam, electric energy, and communication ~~services~~service made to a building or land which ~~are~~is considered necessary, suitable, or useful to an eligible project. These improvements include, but are not limited to:

(i) ~~improvements~~an improvement to ~~both~~a public water and sewer systems;

(ii) ~~improvements~~an improvement to a public electric, natural gas, and telecommunication ~~systems~~system; and

(iii) a fixed transportation ~~facilities including~~facility related to highway, road, rail, water, and air transportation.

(G)(1) In addition to a fee collected pursuant to Section 44‑56‑170(F)(1), a facility that incinerates hazardous waste and is classified as a large quantity generator shall pay an additional fee of one hundred dollars for a ton of solid waste disposed of by incineration.

(2) Fifty percent of funds received from this fee must be deposited in the county fund and fifty percent in the uncontrolled site fund for use by the department.”

SECTION 2. This act takes effect upon approval by the Governor.

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