

SRS ENVIRONMENTAL COMPLIANCE GUIDE



September 2012

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This Guide will be reviewed periodically and updated as needed. You can always find the latest update online at http://sro.srs.gov/pdf_files/srsenvironmentalcomplianceguide.pdf.

For more information about this Guide, or to obtain additional copies, contact:

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Introduction



The Department of Energy (DOE) has established (e●SRS) as its strategic plan for transforming Savannah River Site (SRS) knowledge, experience and resources in national security, clean energy development, and environmental management into revitalized and repurposed assets for future use.

Purpose of this Guide:

The Department of Energy's Savannah River Operations Office (DOE-SR) Environmental Quality Management Division (EQMD) developed this *SRS Environmental Compliance Guide* (Guide) to assist the e●SRS Strategic Initiative Champions (Champions) and prospective new tenants with identifying the environmental requirements that may apply to perform work at SRS.

This Guide:

- Identifies applicable regulatory requirements and environmental, cultural, and natural resource challenges.
- Identifies capacities and potential efficiencies of taking advantage of existing SRS capacities and permits.
- Identifies areas where prospective new tenants might fall under Site-wide permits or regulatory conditions.
- Helps prospective new tenants to choose whether or not to enlist assistance from SRS resources in identifying and complying with applicable environmental requirements.

Environmental Liaisons within EQMD have been assigned to each of the e●SRS initiatives. The roles and responsibilities for these Environmental Liaisons are discussed in Chapter 1 of this Guide. Chapter 2 describes the applicability of certain environmental requirements, associated existing SRS capacities, and potential permitting requirements. Chapter 3 provides a list of abbreviations and acronyms used within this Guide. Attachment 1 provides a list of South Carolina Department of Health and Environmental Control (SCDHEC) required review times for various environmental permits.

We hope you are as excited as we are about opportunities to broaden missions through e●SRS and find this Guide a useful resource.



Chapter 1

Environmental Liaisons

A. Roles and Responsibilities

Members of the EQMD staff serve as Environmental Liaisons to assist e●SRS Champions and prospective new tenants with information, interpretation, and processes associated with applicable environmental requirements.

The EQMD Environmental Liaisons will:

- Provide support to the e●SRS Champions on potential environmental requirements as well as give advice and assistance on compliance issues.
- Assist in the interpretation of regulatory requirements.
- Connect e●SRS Champions and other participants with the appropriate environmental Subject Matter Experts, and facilitate discussions, as needed.
- Maintain awareness of ongoing e●SRS initiative activities that might have impact upon environmental areas of expertise.
- Participate in the site-use and resource-planning processes as they relate to environmental e●SRS initiatives.
- Communicate e●SRS initiatives to EQMD and contractor counterparts.



B. Assignments

The list of e●SRS Initiatives and Environmental Liaisons is included below:

#	e●SRS Initiative	Champion	Primary Environmental Liaison	Backup Environmental Liaison
1	Establish Center for Applied Nuclear Materials Process and Engineering Research	Pat McGuire	Jim Bolen Jim.Bolen@srs.gov	Steve Danker Stephen.Danker@srs.gov
2	Develop Solutions to Close and Better Secure the Nuclear Fuel Cycle	Pat McGuire	David Roberts David-P.Roberts@srs.gov	Jim Bolen Jim.Bolen@srs.gov
3	Accelerate Liquid HLW Dispositioning	Terry Spears	David Hoel David.Hoel@srs.gov	Armanda Watson Armanda.Watson@srs.gov
4	Accelerate Deployment of Small Modular Reactors	Sandy Johnson	Drew Grainger Drew.Grainger@srs.gov	Jim Bolen Jim.Bolen@srs.gov
5	Deliver Disposition Paths for Nuclear Materials	Pat McGuire	Jim Bolen Jim.Bolen@srs.gov	Tony Towns Anthony02.Towns@srs.gov
6	Leverage and Revitalize Site Assets (Facilities, People)	Helen Belencan	Armanda Watson Armanda.Watson@srs.gov	David Hoel David.Hoel@srs.gov
7	Increase Helium-3 Supply for Nonproliferation	Scott Cannon	Dennis Ryan Dennis.Ryan@srs.gov	Avery Hammett Avery.Hammett@srs.gov
8	Reduce Greenhouse Gas Emission via Clean Alternative Energy Projects	Karen Guevara	Steve Danker Stephen.Danker@srs.gov	Gary Hoover Gary.Hoover@srs.gov
9	Develop and Deploy Next Generation Cleanup Technologies	Karen Guevara	Avery Hammett Avery.Hammett@srs.gov	Dennis Ryan Dennis.Ryan@srs.gov
10	Establish Advanced Center for Nuclear Forensics and Attribution	Karen Hooker	Gail Whitney Gail.Whitney@srs.gov	Terry Provost Terry.Provost@srs.gov
11	Implement Modifications to Tritium Infrastructure	Scott Cannon	Terry Provost Terry.Provost@srs.gov	David Roberts David-P.Roberts@srs.gov
12	Expand Research and Impact of National Center of Radioecology	Karen Hooker	Tony Towns Anthony02.Towns@srs.gov	Gail Whitney Gail.Whitney@srs.gov



Chapter 2

Environmental Laws, Regulations, and Directives

This Guide has been written for prospective tenants who may conduct activities which merely use SRS land and/or facilities but not necessarily conduct work for DOE. Accordingly, many DOE requirements may not apply. Prospective tenants who work for DOE may be expected to comply with DOE's system of Directives (Policies, Orders, Notices, Manuals, and Guides), which would be detailed within the tenant's contract.

This chapter is organized alphabetically under the following general environmental topics:

- A. Air
- B. Cultural and Natural Resources Management
- C. Emergency Planning
- D. Environmental Restoration/Cleanup
- E. National Environmental Policy Act
- F. Nuclear
- G. Oil
- H. Solid, Hazardous or Infectious Wastes
- I. Toxic Substances
- J. Transportation
- K. Water
- L. Other Directives

Each of the above sections are sometimes further subdivided into the “*applicability*” of environmental requirements, associated existing SRS “*capacities*,” and potential “*permitting*” requirements (depending on the answers to certain questions). Where appropriate, some sections may not include some or all of these subsections. Where SRS capacity does not exist, this chapter identifies where such services may be obtained. Attachment 1 provides a list of SCDHEC's required review times for various environmental permits (derived from SCDHEC's *A General Guide to Environmental Permitting in South Carolina*, which can be found online at <http://www.scdhec.gov/administration/library/CR-003631.pdf>).



For assistance in evaluating or acting upon environmental requirements identified in this Guide, please contact an EQMD Environmental Liaison, as listed in Chapter 1 of this Guide. A list of SCDHEC environmental contacts can be found online at:

<http://www.scdhec.gov/environment/admin/Compass/htm/CompassWhoToCall.htm>



A. AIR

A.1 Applicability

Prospective tenants must comply with the *Clean Air Act* (CAA) (42 U.S.C. §7401 et seq. (1970)) and subsequent Amendments if a prospective tenant facility will release pollutants to the atmosphere or involve the potential disturbance of asbestos during renovations, demolitions, or relocations. The CAA provides the basis for protecting and maintaining air quality. All equipment, structures, and processes must be evaluated for compliance with the CAA.

While the Environmental Protection Agency (EPA) maintains overall authority for the control of air pollutants, regulatory authority for all types of air emission sources (mobile and stationary) has been delegated to SCDHEC. SRS air emissions and control facilities are regulated and permitted by SCDHEC pursuant to the CAA and associated *South Carolina Pollution Control Act* (S.C. CODE ANN. Sections 48-1-40). With SCDHEC approval, prospective tenants may either be incorporated into the existing SRS Title V Operating Permit (TV-0080-0041), or a tenant may obtain their own air permit, as negotiated with SCDHEC and DOE.

A.2 Capacities

SRS has CAA Title V Operating Permit number TV-0080-0041 for its air emissions (for both radioactive and non-radioactive air emissions). The counties which SRS occupies are currently classified as "Attainment" areas. EPA is scheduled to reconsider the National Ambient Air Quality Standards for ozone and particulate matter pollutants within the next couple of years.

A.3 Permitting

The CAA includes a large number of subsections, many of which may apply to a tenant. The questions below are meant to cover the most common CAA provisions, but are not all-inclusive. Additional compliance measures may be required, and should be evaluated by the tenant.

Will the activity emit any pollutants into the air?

EPA has issued guidance on controlling hazardous air pollutants, nonattainment new source review (nonattainment NSR), prevention of significant deterioration, and Title V operating permit programs with regard to "major source" determinations at federal installations. This guidance can be found at <http://www.epa.gov/region7/air/title5/t5memos/dodguid.pdf>.

Air emissions include regulated criteria pollutants and hazardous and toxic pollutants identified in SCDHEC regulations SC R.61-62.5 Standard 2, R. 61-62.5



Standard 8, and Section 112(b) of the CAA. Please see SCDHEC’s “*Bureau of Air Quality, Permitting Guidelines*,” available online at <https://www.scdhec.gov/environment/baq/docs/permitting/AirQualityPermittingGuidelines.pdf>. Also available is “*Air Quality Permitting for Industrial Facilities*,” which is available online at <http://www.scdhec.gov/environment/baq/docs/permitting/PermittingGuide-Industry.pdf>.

In addition, SCDHEC requires an asbestos evaluation and/or license prior to the demolition, renovation, or relocation of any structure.

If yes:

- **Is it a Non-Radionuclide Air Emission Source?**

Answer ‘yes’ if **any** of the following are true:

- Will the project install or modify a piece of equipment that will emit, or have the potential to emit, an air emission?
- Will the project modify (including demolition) an existing Title V or New Source Review (NSR) permitted facility or process which emits an air emission?
- Will the project modify (including demolition) an existing facility or process, not already permitted by SCDHEC, which emits, or has the potential to emit, an air emission?
- Will the product be a demonstration of a new technology which will emit an air emission?
- Will the project install or modify a piece of equipment that is used to sample or monitor air emissions?

If yes:

The prospective tenant may need a SCDHEC Air Emissions Control Permit. Contact the SCDHEC Bureau of Air Quality at (803) 898-4123, and refer to SCDHEC regulation SC R. 61-62, *Air Pollution Control Regulations and Standards*.

- **Is it a Radionuclide Air Emission Source?**

If yes:

The prospective tenant will need to evaluate the applicability of the rules and regulations that govern radioactive air emissions under 40 C.F.R. § 61, *National Emission Standards for Hazardous Air Pollutants* (if prospective tenant is conducting work for the DOE) or



10 C.F.R. § 20, *Standards for Protection Against Radiation* and possibly 40 C.F.R. § 190, *Environmental Radiation Protection Standards for Nuclear Power Operations*. Prior to any decisions concerning facility siting, the prospective tenant must reach agreement with DOE-SR based on potential receptors and the hypothetical maximally exposed individual at SRS.

- **Is it a Potential Asbestos Emissions Source?**

Answer yes if the prospective tenant will remove/demolish, alter in any way, or relocate any structure?

If yes:

Under the CAA, and SCDHEC regulation SC R. 61.86.1, the prospective tenant may need an asbestos inspection and/or license. Please contact SCDHEC's Asbestos Section at (803) 898-4289 or <http://www.scdhec.gov/environment/baq/Asbestos/index.asp>.

B. Cultural and Natural Resources Management

B.1 Applicability

Prospective tenants must comply with the *National Historic Preservation Act* of 1966, Section 106 if operations will be housed in an area that affects historic properties. Historic properties are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register.

SRS is federally owned land. As such, all site activities are subject to federal and applicable state requirements designed to protect archaeological and historic sites and artifacts. DOE and the South Carolina State Historic Preservation Office have developed two memorandums of agreement (MOAs) that guide cultural resources management at SRS. One governs the identification, evaluation, protection, and enhancement of archaeological resources. The other MOA addresses the identification and management of SRS Cold War structures.

The provisions of the *Endangered Species Act* may apply to a prospective tenant facility, depending on site selection and species present. The *Endangered Species Act* requires federal agencies, in consultation with the U.S. Fish and Wildlife Service, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated eco-systems of such species. The law also prohibits any action that causes a "taking" of any listed species of endangered fish or wildlife. Likewise, import, export, interstate, and foreign commerce of listed



species are all generally prohibited. Several endangered species are found on the SRS. Their locations are generally known, and DOE-SR will work with the prospective tenant in siting facilities to avoid any adverse effect on an endangered species.

The *Federal Insecticide, Fungicide, and Rodenticide Act* may require prospective tenants that apply herbicides, insecticides, fungicides, and rodenticides to comply with its requirements. This law regulates the management of restricted-use biocides through a state-administered certification program.

The *Migratory Bird Treaty Act* implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Under this law, taking, killing, possessing migratory birds and disturbing active nests are unlawful. There have been instances at SRS where migratory birds have nested in facility structures or equipment. When this occurs, permits may be required and facility operations or construction activities may be affected.

B.2 Permitting

Will the activity involve ground disturbing activities (grading, digging, new construction, lay-down yards, parking areas)?

If yes:

The activity will need to be evaluated by DOE for the presence of cultural and archaeological artifacts, which may need to be protected or conserved.

DOE maintains onsite procedures and technical capabilities to fully comply with the SRS archaeological MOA. This includes (as needed) the identification and evaluation of archaeological sites, protection of sites and artifacts, preparation of regulatory reports, development and execution of mitigation plans, and curation of archaeological artifacts.

Will the activity involve use or reuse of existing SRS buildings or facilities?

If yes:

The activity will need to be evaluated for the potential impact to historically significant structures or sensitive species, which may need to be protected or conserved. DOE maintains an onsite procedures and technical capabilities to fully comply with the SRS Cold War structures MOA. This includes the identification of Cold War structures and (as needed), known regulatory commitments or limitations associated with Cold War structures.



C. Emergency Planning

C.1 Applicability

Prospective tenants must comply with the provisions of *Emergency Planning and Community Right to Know Act (EPCRA)*, which was created to help communities plan for emergencies involving hazardous substances. This law establishes requirements for federal, state and local governments, Indian tribes, and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, the uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety; and protect public health and the environment. Tenants must provide timely EPCRA Tier II and Toxic Release Inventory (TRI) data to the SRS management and operating (M&O) contractor for inclusion in the site-wide Tier II and TRI reports, unless otherwise negotiated through DOE.

Will the activity store any substance for which a Material Safety Data Sheet (MSDS) is required by the Occupational Safety and Health Administration for quantities exceeding the Threshold Planning Quantity for reporting?

See 40 C.F.R. § 335, Appendix A and B (2011) for Threshold Planning Quantities, as well as the Extremely Hazardous Substances list, which require an MSDS.

If yes:

The prospective tenant may be required to report periodic chemical inventory information to the SRS database.

D. Environmental Restoration/Cleanup

D.1 Applicability

SRS is a National Priorities List site under the *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)* due to confirmed past releases of contaminants to the soil and groundwater. DOE entered into a Federal Facility Agreement (FFA) in 1993 with the EPA and the State of South Carolina to ensure that environmental impacts associated with past and present activities at the



Sites are thoroughly investigated and appropriately addressed. While total cleanup may take many years, a significant portion of the SRS waste units have been cleaned up and may be available for productive reuse.

If DOE enters into any contract for the sale, lease or transfer of any of real property at SRS, the FFA requires DOE to comply with the requirements of CERCLA, (42 U.S.C. § 9620(h)), in effectuating that sale or transfer, including all notice requirements. In addition, DOE shall include notice of the FFA in any document transferring ownership or operation of SRS property to any subsequent owner and/or operator of any portion of SRS and shall notify EPA and SCDHEC of any such sale or transfer at least ninety days prior to such sale, lease or transfer. Certain environmental information may be required even when real property is not disposed but is instead transferred within DOE. DOE's *Crosscut Guidance on Environmental Requirements for DOE Real Property Transfers* (DOE/EH-413-9712) details the property disposal mechanisms available to DOE and the category of environmental information required for each mechanism. This guidance is available online at

<http://www.hss.doe.gov/sesa/environment/guidance/rcra/property.pdf>.

Will the activity be located on or near, and/or disturb or affect soil, sludge, or water on or near, a SRS CERCLA waste unit?

If yes:

The prospective tenant may need to prepare an Operation and Maintenance Plan as required by the FFA for submittal to DOE, EPA and SCDHEC to obtain approval for the planned uses of SRS property as well as buildings and other structures on the property. The "Brownfields" component of the SCDHEC *Voluntary Cleanup Program* allows a non-responsible party to acquire (or lease) a contaminated property with state Superfund liability protection for existing contamination by agreeing to perform an environmental assessment and/or remediation. The amount of environmental work is site-specific and dependent on the intended future use of the site. SCDHEC's goal is to facilitate redevelopment of a property, while protecting human health and the environment (see <http://www.scdhec.gov/environment/lwm/html/brownfields.htm>). <http://www.scdhec.gov/environment/lwm/html/brownfields.htm>). For areas to be used by a prospective tenant, SCDHEC discuss whether a Voluntary Cleanup Contract would be appropriate or whether some other mechanism might be used. DHEC's primary concern would be ensuring that the tenant would not obstruct SRS cleanup activities.



E. National Environmental Policy Act (NEPA)

E.1 Applicability

Prospective tenants using federal land must comply with the *National Environmental Policy Act* (NEPA). Although compliance is a federal agency responsibility, the prospective tenant may need to provide activity and impact information to enable DOE to conduct appropriate NEPA reviews.

Although not a “permitting” requirement, compliance with NEPA assigns federal procedural responsibilities to carefully evaluate potential environmental consequences before making decisions regarding a proposed action. Accordingly, the prospective tenant will need to provide DOE with adequate information regarding the proposed activity and impact information. This starts with the prospective tenant’s completion of an *Environmental Evaluation Checklist* (OSR 14-347 LN). (Contact an Environmental Liaison, identified in Chapter 1 of this Guide, to obtain the *Environmental Evaluation Checklist* form.) To determine the appropriate level of NEPA evaluation, DOE must establish whether DOE’s involvement is a major federal action with potentially significant environmental effects. If no impacts are foreseen (based on the *Environmental Evaluation Checklist*), additional NEPA requirements are abbreviated and the action may proceed. (Council on Environmental Quality regulations (40 C.F.R. §§1500-1508) and the DOE NEPA implementing procedures (10 C.F.R. §1021, <http://energy.gov/sites/prod/files/10CFRPart1021.pdf>), provide guidance on determining the appropriate level of NEPA review.) There are three primary levels of NEPA review (described below with the approximate preparation time noted):

Will the proposed tenant activity have significant environmental impacts (individually or cumulatively) and is there an associated “Categorical Exclusion” as listed in 40 C.F.R §§ 1500-1508 Appendix B (2011)?

If yes:

Documentation of a *Categorical Exclusion* (two weeks) may be all that is required.

Is it unclear whether the proposed tenant activity will have significant environmental impacts?

If yes:

Preparation of an *Environmental Assessment* (EA) (six months) may be needed. Appendix C of DOE NEPA regulations (see 40 C.F.R §§1500-1508, Appendix C (2011)) lists classes of action that normally require an



EA. The prospective tenant may be required to prepare the EA, or provide sufficient information to enable DOE to prepare the EA.

Is it clear the proposed tenant activity will likely have significant environmental impacts on the quality of the human environment?

If yes:

An *Environmental Impact Statement* (EIS) (two years) may be needed. Appendix D of DOE NEPA regulations (see 40 C.F.R. §§1500-1508, Appendix D (2011)) lists classes of action that normally require an EIS. The prospective tenant may be required to prepare the EIS, or provide sufficient information to enable DOE to prepare an EIS.

If a prospective tenant's facility or project will be licensed by the Nuclear Regulatory Commission (NRC), the bulk of the information will be in the form of an *Environmental Report* (see 10 C.F.R. § 51 (2007)). Please also see a description of NRC NEPA requirements in the *Nuclear* section of this Chapter, below.

F. Nuclear

F.1 Applicability

The *Energy Reorganization Act* (42 U.S.C. §5851 (1974)), as amended, assigned to DOE the responsibility for the development and production of nuclear weapons, promotion of nuclear power, and other energy-related work. DOE communicates policies, requirements, responsibilities, and procedures through a series of Directives. (See <https://www.directives.doe.gov/directives/current-directives/current-directives-by-series>.)

The NRC was assigned the responsibility for regulation of other activities involving civilian uses of nuclear power and nuclear materials.

F.2 Permitting

If a prospective tenant activity intends to operate a nuclear fuel cycle facility, which are licensed by the NRC, the tenant will be required to submit a license application to the NRC in order to obtain an operating license. This application must demonstrate how the design and operation of the facility will ensure the health and safety of the public in accordance with NRC regulations (See 10 C.F.R. §§ 30, 40, 70, 73, 74, and 76).

Will the prospective tenant activity involve any of the following?

- Construction and/or operation of a nuclear fuel cycle facility



- Receiving or possession of byproduct material
- Possession and use of source material for uranium milling, production of uranium hexafluoride
- Uranium recovery
- Uranium enrichment
- Processing, fuel fabrication, scrap recovery, conversion of uranium hexafluoride, uranium enrichment facility construction and operation
- Nuclear Medical activities
- Nuclear Industrial activities
- Nuclear Academic activities

If Yes:

The environmental report submission requirements of 10 C.F.R. Part 51 (2012) (*Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions*), may apply.

Will the prospective tenant activity involve or include the development, construction, or operation of a new nuclear reactor?

If yes:

The prospective tenant may be required to submit an environmental report to NRC in support of either an early site permit (ESP) or combined operating license (COL) application. Under the NRC's regulations in 10 C.F.R. § 52 (2009) and in accordance with the applicable provisions of 10 C.F.R. §51(which are the NRC regulations implementing NEPA), the NRC is required to prepare an EIS as part of its review of an ESP or COL application. NRC currently conducts its environmental reviews using NRC Regulation (NUREG)-1555, *Standard Review Plans for Environmental Reviews for Nuclear Power Plants: Environmental Standard Review Plan for New Site/Plant Applications*.

G. Oil

G.1 Applicability

The *National Oil and Hazardous Substances Pollution Contingency Plan* (40 C.F.R §300), more commonly called the National Contingency Plan (NCP), is the federal government's blueprint for responding to both oil spills and hazardous substance releases. The NCP is the result of our country's efforts to develop a national response capability and promote overall coordination among the hierarchy



of responders and contingency plans. South Carolina's contingency plan (<http://www.scdhec.gov/environment/lwm/pubs/FOIscplan.pdf>) includes both federal and state requirements. The state has adopted the federal contingency plan rules (SC R. 61-79.264.50 to 61-79.264.56) for hazardous waste generators and treatment, storage, and disposal facilities and added its own notification standards.

The first NCP was developed and published in 1968 in response to a massive oil spill from the oil tanker Torrey Canyon off the coast of England the year before. More than 37 million gallons of crude oil spilled into the water, causing massive environmental damage. To avoid the problems faced by response officials involved in this incident, U.S. officials developed a coordinated approach to cope with potential spills in U.S. waters. The 1968 plan provided the first comprehensive system of accident reporting, spill containment, and cleanup, and established a response headquarters, a national reaction team, and regional reaction teams (precursors to the current National Response Team and Regional Response Teams).

Congress has broadened the scope of the NCP over the years. As required by the *Clean Water Act* (CWA) of 1972 (33 U.S.C. §1251 et seq. (1972)), the NCP was revised the following year to include a framework for responding to hazardous substance spills as well as oil discharges. Following the passage of Superfund legislation in 1980, the NCP was broadened to cover releases at hazardous waste sites requiring emergency removal actions. Over the years, additional revisions have been made to the NCP to keep pace with the enactment of legislation. The latest revisions to the NCP were finalized in 1994 to reflect the oil spill provisions of the *Oil Pollution Act of 1990*.

The *Oil Pollution Act* (OPA) (33 U.S. C. § 2701 et seq. (1990)) established requirements for spill contingency planning by both government and industry. The NCP has a three-tiered approach:

- The federal government is required to direct all public and private response efforts for certain types of spill events;
- Area Committees -- composed of federal, state, and local government officials - - must develop detailed, location-specific Area Contingency Plans; and
- Owners or operators of vessels and certain facilities that pose a serious threat to the environment must prepare their own Facility Response Plans.

33 U.S. C. §1002(a) of the OPA provides that the responsible party for a vessel or facility from which oil is discharged, or which poses a substantial threat of a discharge, is liable for:



- (1) certain specified damages resulting from the discharged oil; and
- (2) removal costs incurred in a manner consistent with the NCP.

33 U.S. C. § 1019 of the OPA gives states the authority to enforce the OPA on the navigable waters of the state, and establishes requirements for evidence of financial responsibility.

The *South Carolina Oil & Gas Act* (SCOGA) sets certain requirements for “Registered Terminal Facilities” in the state. The SCDHEC Emergency Response Section is responsible for the Certificates of Registration for all Terminal Facilities in South Carolina. The purpose of the *South Carolina Oil and Gas Exploration, Drilling, and Production* regulation (SC R.121-8) is to prevent the waste of oil and gas, to protect correlative rights and to prevent pollution of the water, air, and land by oil and gas exploration or production activities.

G.2 Permitting

Will the activity have oil storage facilities?

“Facility” means any structure, group of structures, equipment, or device (other than a vessel) which is used for one or more of the following purposes: exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil. This term includes any motor vehicle, rolling stock, or pipeline used for one or more of these purposes.

If yes:

The prospective tenant may be required to prepare a *Facility Response Plan* in accordance with the NCP. Further, storing oil may subject to the facility to the requirements of 40 C.F.R. §112, *Oil Pollution Prevention* including the preparation and implementation of a *Spill Prevention, Control, and Countermeasure Plan* prior to beginning operation.

Will the activity involve exploration, transport, storage or refining of oil or gas?

If yes:

The prospective tenant may be required to obtain exploration and well-drilling permits and file an Affidavit of Ownership and an Organizational Report to the South Carolina Water Resources Commission in accordance with *South Carolina Oil and Gas Exploration, Drilling, and Production* regulations (SC R. 121-8).



A new Bulk Petroleum Storage Facility discharger must, submit a complete Bulk Petroleum Storage Facility General Permit Notice of Intent in accordance with the requirements of Part III of the NPDES General Permit for Discharges from Bulk Petroleum Storage Facilities (Permit No.: SCG340000) at least 60 days prior to the commencement of the industrial activity at the facility.

H. Solid, Hazardous or Infectious Wastes

H.1 Applicability

Prospective tenants must comply with the *Resource Conservation and Recovery Act* (RCRA) if their operations generate, treat, store or dispose of hazardous or solid waste, or have underground storage tanks. With SCDHEC approval, tenant activities may either be incorporated into the existing SRS permit(s), or a tenant may obtain an EPA Identification Number and permit(s) in accordance with SCHEC hazardous waste management regulations (SC R. 61-79).

The generators of infectious waste are responsible for the storage, collection and disposal of their infectious waste. Infectious Waste is composed of items from medical and scientific research or the health care community which are included in the following categories: Sharps, Microbiologicals, Blood and Blood Products, Pathological Waste, Isolation Waste and Contaminated Animal Waste. Prospective tenants may have the option to combine their infectious waste with SRS waste (would require SCDHEC notification and a change to the SRS M&O contract), or apply to SCDHEC to register as an infectious waste generator.

H.2 SRS Waste Management Capacities

[H.2\(a\) Underground Storage Tanks \(UST\) Capacity](#)

SRS has no excess UST capacity for prospective tenants. If excess UST storage capacity occurs in the future, this capacity may be available for tenant use as negotiated with SRS.

[H.2\(b\) Construction and Demolition Waste Capacity](#)

SRS utilizes the onsite 632-G Construction and Demolition (C&D) Debris Landfill for disposal of most of the SRS generated C&D wastes. The tenant has the option to negotiate the use of current SRS construction waste handling processes or procure their own service.



632-G C&D Debris Landfill (with the following attributes):

- Class 2 Landfill
- Permit Number 065800-1901 issued November 3, 2003
- Annual disposal rate allowed 200,000 cubic yards
- Actual disposal rate about 70,000 cubic yards
- Estimated life of 40 years

[H.2\(c\) Nonhazardous Sanitary Waste Capacity](#)

SRS has no sanitary waste disposal capacity onsite for prospective tenants. The SRS M&O contractor disposes of its non-hazardous sanitary waste at the Three Rivers Solid Waste Authority Landfill. The tenant has the option to negotiate the use of current SRS waste handling processes or procure their own service.

[H.2\(d\) Hazardous Waste Capacity](#)

SRS has RCRA Permit # SC1890008989. However, the site currently has no excess hazardous waste or mixed waste storage and treatment capacity for new tenants under the current permit. Hazardous waste disposal does not occur on SRS. Prospective tenants would be expected to obtain their own hazardous waste storage, treatment and disposal capacity for managing hazardous waste operations.

Any new tenants that generate hazardous or “mixed” (i.e., both (hazardous and radioactive) waste either must obtain their own EPA identification number and hazardous waste permit, or (if authorized by SCDHEC and DOE) use SRS’ EPA identification number and permit. If tenants use SRS’ EPA identification number and hazardous waste permit, they would be required to:

- use the SRS EPA identification number when manifesting, if it is generated anywhere at SRS. Authority to signer manifests must be delegated by DOE-SR.
- report data quarterly to the SRS M&O contractor so that data can be included in the SRS Hazardous Waste Quarterly Report
- provide waste stream data to the SRS M&O contractor
- inform the SRS M&O contractor before a new waste stream is generated, such that it can be added to the RCRA Part A Permit, as SRS must submit forms to SCDHEC for all new waste streams.



- be subject to M&O contractor evaluation which would allow access to regulatory expertise.
- be added to the SRS RCRA permit, if there is an intention to or an expectation for management of hazardous or mixed waste beyond ninety days; and comply with the SRS 3Q Manual (*Environmental Compliance Manual*) on Staging Area and Satellite Accumulation Area procedures.
- comply with the SRS 1S Manual (*Radioactive Waste Requirements*).

Tenants may elect to use offsite vendors and/or use SRS M&O contractor solid waste services. Tenants using SRS' EPA identification number must obtain a delegation of authority from DOE-SR for hazardous waste manifesting or use the SRS M&O contractor Solid Waste shipping specialists. Tenants using SRS' EPA identification number that use offsite vendors for hazardous waste management must establish a program for auditing the vendor or use a vendor that has been audited and approved by the SRS M&O contractor.

[H.2\(e\) Infectious Waste Management Capacity](#)

SRS is registered as an infectious waste generator. Prospective tenants may have the option to combine their waste with SRS waste (requires SCDHEC notification) or apply to SCDHEC to register as an infectious waste generator (evaluated by SCDHEC on a case-by-case basis).

[H.2\(f\) Radioactive Waste Capacity](#)

Will the activity generate (one-time or continuously) any of the following radioactive waste types to be handled, treated, stored or disposed by DOE operating contractors?

High-Level Waste (HLW)

HLW is the highly radioactive waste resulting from the reprocessing of spent nuclear fuel, including liquid waste and any solid waste derived from the liquid.

Low-Level Waste (LLW)

LLW is DOE-generated wastes that are not high-level waste radioactive waste, spent nuclear fuel, transuranic waste, byproduct material (as defined



in section 11e.(2) of the *Atomic Energy Act* (42 U.S.C. § 2011 et seq. (1954)), or naturally occurring radioactive material.”

The NRC classification of low-level radioactive waste is according to its radiological hazard. The classes include: Class A, B, and C. Class A is the least hazardous and is usually segregated from other waste classes at the disposal site. Class B waste is waste that must meet more rigorous requirements on waste form to ensure stability after disposal. Class C waste is waste that not only must meet more rigorous requirements on waste form to ensure stability but also requires additional measures at the disposal facility to protect against inadvertent intrusion. As the waste class and hazard increase, the regulations established by the NRC require progressively greater controls to protect the health and safety of the public and the environment. See 10 C.F.R. § 61.55 (1997) for NRC waste classification.

Mixed Waste

Mixed Waste is a mixture of LLW and Hazardous Waste.

Transuranic (TRU) waste

TRU waste is contaminated with transuranic elements—artificially made, radioactive elements, such as neptunium, plutonium, americium, and others—that have atomic numbers higher than uranium in the periodic table of elements. TRU waste is primarily generated by DOE operations from recycling spent fuel or using plutonium to fabricate nuclear weapons.

If yes:

The prospective tenant will be required by the SRS 1S Manual (*SRS Waste Acceptance Criteria Manual*) to provide the SRS M&O contractor specific waste forecasting information, such as:

- Waste Category
- Source utilized to confirm facility is permitted to accept the waste
- Description of generated waste
- Dates generation is to begin and end
- Estimate of waste generation for each category
- Description of activity/process generating waste



- How the waste will be staged in the facility awaiting disposition and disposition route
- Description of waste reduction principles (reducing the volume, mass, or toxicity), i.e., waste minimization/pollution prevention.

See EPA regulations on *Identification and Listing of Hazardous Waste* (40 C.F.R. §§ 261.31-33 (1996)).

H.3 Permitting

[H.3\(a\) Underground Storage Tank \(UST\) Permitting](#)

Will this project require an UST?

Answer ‘yes’ if the prospective requires a tank that is 10 percent or more underground, including all pipes connected to the tank.

If yes:

A UST construction/operating permit from SCDHEC would be required in accordance with South Carolina’s regulations (SC R. 61-79 and 61-92). Please contact SCDHEC’s Bureau of Land & Waste Management at (803)896-7957.

[H.3 \(b\) Special Waste Permitting](#)

Will the prospective tenant activity generate solid waste?

A solid, semi-solid, liquid, or contained-gas material is considered “solid waste” if it:

- is intended to be or has been discarded, and/or
- has served its intended purpose, and/or
- is garbage, refuse, or sludge, and/or
- is a byproduct from a manufacturing operation

As defined in *the South Carolina Hazardous Waste Management Regulations (SC R. 61-79 Section 261.2)*, unless it qualifies under an exclusion identified in SC R. 61.79 Section 261.4, as amended.

If yes:

Solid wastes that are “hazardous” have special disposal requirements that are discussed in the next section. Some solid wastes that are not regulated



hazardous wastes still require special methods of disposal. These wastes are termed “special wastes” and are discussed below.

“Special wastes” are solid wastes that are not regulated as hazardous wastes but are still difficult or dangerous to handle and require unusual management. These special wastes include, but are not limited to:

- pesticide wastes
- liquid wastes or bulk liquid wastes
- sludges
- industrial process wastes of cutting oils, chemical catalysts, distillation bottoms,
- etching acids, equipment cleanings, paint sludges, core sands, metallic or
- asbestos dust, and contaminated or recalled wholesale or retail products
- waste from a pollution control process
- residue or debris from the cleanup of a spill or release of chemical substances
- materials that contaminated from the cleanup of a facility or site formerly used for
- the generation, storage, treatment, reclamation, or disposal of listed wastes
- containers and drums

Special wastes, such as listed above, cannot be accepted by a municipal waste landfill without prior written approval by the disposal facility in accordance with SCDHEC regulations that include waste parameters, test methods, sampling methods, analysis verification schedules, and verification methods. Depending on solid wastes generated, the following SCDHEC regulations may apply:

- *SC R. 61-107.5 (Collection, Temporary Storage and Transportation of Municipal Solid Waste)*
- *SC R. 61-107.279 (Used Oil)*
- *SC R. 61-107.8 (Lead Acid Batteries)*
- *SC R. 61-107.12 (Incineration and Solid Waste Pyrolysis Facilities Regulations)*
- *SC R. 61-107.10 (Research, Development, and Demonstration Permit Criteria)*
- *SC R. 61-105 (Infectious Waste Management)*



If a solid waste is determined to be neither hazardous nor special, then it may be placed in one of three types of landfills depending on the characteristics of the waste:

- Class 1 Landfill - Land Clearing Debris and Yard Wastes Only
- Class 2 Landfill - Acceptable Wastes can be found in Appendix I of R61SC R. 61-107.19 (*Solid Waste landfills and Structural Fill*) and unacceptable wastes can be found in Appendix II of the same.
- Class 3 Landfill - Can accept Municipal Solid Wastes and Class 2 Wastes

New tenant disposal of waste in SRS' C&D Class 1 landfills may require a modification of SRS' landfill permit. Contractual arrangements for storage, transportation and disposal of other solid wastes may be necessary. Please contact Three Rivers Solid Waste Authority at (803) 652-2225 or <http://www.trswa.org/>.

H.3(c) Infectious Waste Permitting

Will the prospective tenant activity generate infectious waste?

If yes:

Infectious waste Generators are required to register with SCDHEC as required by SC R. 61-105, *Infectious Waste Management Regulations*.

H.3(d) Hazardous Waste Permitting

Will the prospective tenant activity generate hazardous waste?

Answer 'yes' if **any** of the following are true:

- The waste is "listed" in the hazardous waste regulations (SC R. 61-79 Section 261, Subpart D)
- The waste exhibits one or more of the hazardous characteristics of ignitability, corrosivity, reactivity, or toxicity (as defined in SC R. 61-79 Section 261, Subpart C)
- The waste is a mixture of a listed hazardous waste and non-hazardous waste, or
- The waste is declared hazardous waste by the generator based on process knowledge
- The waste is a "mixed waste" (i.e., both hazardous and radioactive)



If yes:

South Carolina Hazardous Waste Management Regulations (SC R. 61-79) may apply unless the waste is excluded under *SC R. 61-79, Section 261.4*. Further, the prospective tenant may need to become part of the SRS hazardous waste permit or obtain their own SCDHEC Hazardous Waste Permit (*SC R. 61-79, Section 270*). If the prospective tenant expects that any of the above waste types will be managed handled, treated, stored or disposed by the SRS M&O contractor, please refer to the “*Waste Management*” section later in this chapter.

Contact SCDHEC Bureau of Land and Waste Management at (803) 898-4001.

H.3(e) Non-DOE Radioactive Waste Permitting

Will the activity generate non-DOE radioactive waste?

Radioactive waste is waste generated from industrial operations such as nuclear reactors, nuclear research, nuclear fuel and weapons production, and nuclear medicine. The waste is radioactive to varying degrees due to the spontaneous decay of unstable atomic nuclei.

If yes:

The following SCDHEC regulations may apply:

- *SC R. 61-63 (Radiological Materials (Title A))* requirements for the licensing and use of radioactive materials under State jurisdiction and radioactive waste processing and disposal.
- *SC R. 61-83 Transportation of Radioactive Waste into or within South Carolina* requirements for permitting, the transport of radioactive waste, financial assurance requirements, and advance notifications.

Contact the SCDHEC Bureau of Land and Waste Management at (803)898-4070, <http://www.nrc.gov/waste.html> for NRC requirements.

Toxic Substances



I.2 Applicability

The *Toxic Substances Control Act* (TSCA) (15 U.S.C. § 2601 et seq. (1976)) would apply if the prospective tenant uses, manufactures, imports or exports new or existing chemical substances regulated by this law. TSCA provides EPA with authority to require reporting, recordkeeping, and testing requirements, and restrictions relating to chemical substances or mixtures that could cause an unreasonable risk to public health or the environment. TSCA addresses the production, importation, use, and disposal of specific chemicals, including polychlorinated biphenyls, asbestos, and lead-based paint.

Prospective tenants operations may need to be evaluated for compliance with the *Pollution Prevention Act* (PPA) (42 C.F.R § 13101 et seq. (1990)). This law established the national policy that pollution should be prevented or reduced at the source whenever feasible. Several requirements in other federal mandates are included under the PPA such as, the CAA, CWA, RCRA, EPCRA, the *Federal Insecticide, Fungicide, and Rodenticide Act* and NEPA. The PPA also requires “business owners and operators to file a toxic chemical release form that includes a toxic reduction and recycling report” that is provided to regulators.

I.3 Permitting

Will the activity require the management (use/storage/handling) of TSCA-regulated materials, such as polychlorinated biphenyls?

The term “TSCA-regulated materials” is potentially applicable to all "chemical substances" and "mixtures" that are manufactured, imported, processed, used, distributed, and/or disposed of in the United States. By definition, TSCA-regulated chemical substances and mixtures do not include ". . . any source material, special nuclear material, or byproduct material” (as such terms are defined in the *Atomic Energy Act* (42 U.S.C. § 2011 et seq. (1954)).

If yes:

The activity may need EPA approval of management practices for TSCA-regulated materials. The TSCA program is managed by EPA and is not delegated to any state agency. Regulations implementing TSCA are found in 40 C.F.R. §§ 701-799. SRS does hold a number of EPA TSCA approvals for certain storage and handling methods and procedures used onsite. While it is possible that negotiation with EPA and DOE-SR might result in



modification of these approvals, inclusion of other business concerns under these methods and procedures is not currently available.

Contact EPA Region 4's TSCA Compliance Assistance group at (404) 562-9900 or visit the EPA Website for additional information at <http://www.epa.gov/compliance/assistance/bystatute/tsca/>.

J. Transportation

J.1 Applicability

The *Hazardous Materials Transportation Act* (HMTA) (49 U.S.C. §§ 5101-5127 (1975)) is a major transportation-related statute. The purpose of the HMTA according to the policy stated by Congress is ". . .to improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against risks to life and property which are inherent in the transportation of hazardous materials in commerce." The HMTA empowered the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property."

HMTA Regulations (49 C.F.R. §§ 101 -177) apply to ". . .any person who transports, or causes to be transported or shipped, a hazardous material; or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container which is represented, marked, certified, or sold by such person for use in the transportation in commerce of certain hazardous materials."

The State of South Carolina requires that everyone transporting hazardous waste within the state attain a permit per South Carolina Hazardous Waste Management Regulations (SC R. 61-79 Section 263). If a transporter passes through South Carolina and does not stop to accept or deliver any hazardous waste, the Hazardous Waste Transporter permitting regulations do not apply.

J.2 Permitting

Will the activity transport or cause to be transported or shipped, a hazardous material?

“Hazardous material” is defined as a substance or material that the U.S. Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in



commerce, and is designated as hazardous (see 49 U.S.C. § 5103 (1975)). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, and other materials designated as hazardous in the Hazardous Materials Table (see 49 C.F.R. §172.101 (1996)), and materials that meet the defining criteria for hazard classes and divisions in 49 C.F.R. § 173.

If yes:

The HMTA classifies each material and specifies requirements pertaining to its packaging, labeling, and transportation. Hazard communication consists of documentation and identification of packaging and vehicles. This information is communicated as follows:

- Shipping papers (49 C.F.R. § 172, Subpart C)
- Package marking (49 C.F.R. § 172, Subpart D)
- Package labeling (49 C.F.R. § 172, Subpart E)
- Vehicle placarding (49 C.F.R. § 172, Subpart F)

Enforcement of the HMTA transportation requirements is shared by each of the following administrations under delegations from the Secretary of the Department of Transportation (DOT):

- Federal Highway Administration - Enforces all regulations pertaining to motor carriers.
- Federal Railroad Administration - Enforces all regulations pertaining to rail carriers.
- Federal Aviation Administration - Enforces all regulations pertaining to air carriers.
- Coast Guard - Enforces all regulations pertaining to shipments by water.

Requirements for the transportation of radioactive materials by carriers and shippers are found in 49 C.F.R. § 173, Subpart I. Packaging and transportation of radioactive materials are covered in 10 C.F.R. § 71 (1986). There are additional design requirements for Type A packages, which do not require competent authority approval. These requirements include seals, containment systems, material compatibility, and testing (see 49 C.F.R. § 173.412 (2003)).

DOE and EPA share responsibility for transportation of hazardous wastes or radioactive and hazardous waste mixtures generated at facilities operated by DOE under the authority of the *Atomic Energy Act*. These responsibilities are delineated in a 1984 DOE/EPA *Memorandum of Understanding on Responsibilities for Hazardous and Radioactive Mixed Waste Management*.



DOE agreed to comply with RCRA requirements for hazardous waste transporters (see 40 C.F.R. § 263 (2010)) that require transporters to obtain an EPA identification number for the waste, comply with the manifest system, and deal with hazardous waste discharges. These regulations incorporate and require compliance with DOT provisions for labeling, marking, placarding, proper container use, and discharge reporting.

Will hazardous waste be transported within South Carolina? This does not include those transporters passing through South Carolina who do not stop to accept or deliver hazardous waste.

If yes:

A hazardous waste transporter permit is required per the South Carolina Hazardous Waste Regulations (SC R. 61-79. Section 263) and must be properly manifested.

Will the activity manufacture, fabricate, mark, maintain, recondition, repair, or test a package or container which is represented, marked, certified, or sold by such person for use in the transportation in commerce of certain hazardous materials?

If yes:

Upon determining the proper shipping name (i.e., the name of the hazardous material shown in 49 C.F.R. § 172.101 of the *Hazardous Materials Table*), the *Hazardous Materials Table* will specify the correct packaging (see 49 C.F.R. § 173). Packaging authorized for the transportation of hazardous materials is either manufactured to DOT standards or does not meet DOT standards, but is approved for shipments of less hazardous materials and limited quantities. The shipper is responsible for determining the shipping name. The shipper must also ascertain the hazard class, United Nations Identification number (if required), labels, packaging requirements, and quantity limitations (see 49 C.F.R. §§ 178 - 179).

Hazardous materials' packaging regulations were formulated to meet two criteria:

- Packaging of hazardous material must be adequate in strength and quality to withstand normal transportation, and
- Packaging used must be compatible with the hazardous material and adequate considering the level of risk presented by the material.



Enforcement of the HMTA requirements for container manufacturers, reconditioners, and retesters is the responsibility of the DOT Research and Special Programs Administration.

K. WATER

K.1 Applicability

Prospective tenants who would have storm water or surface water discharges may need to comply with requirements of the CWA (33 U.S.C. §1251 et seq. (1972)). Pursuant to the CWA and the *South Carolina Pollution Control Act* (SC Code Ann. § 48-1-110), wastewater dischargers are required to obtain National Pollutant Discharge Elimination System (NPDES) permits. A tenant's ability to discharge or not at specific outfalls will be determined during the permit negotiating process.

Further, a CWA Section 401 (33 U.S.C. §1251) *Water Quality Certification* from SCDHEC may be required as one factor in obtaining a "*Corps Clean Water Act, Section 404 Jurisdiction Permit*" for waters of the U.S.

The *Safe Drinking Water Act* (SDWA) (42 U.S.C. §300f et seq. (1974)) was established to authorize drinking water regulations and specific operating procedures for public water systems, as well as manage potential contamination threats to ground water. Prospective tenants may need to ensure compliance with the SDWA if drinking water will be supplied within the tenant facility or operation. The SDWA sets standards for drinking water quality, and requires actions to protect drinking water and its sources: rivers, lakes, reservoirs, and ground water wells. Both the CWA and the SDWA laws are administered by SCDHEC under the authority of the EPA.

Prospective tenants may need to comply with the *Rivers and Harbors Act* (see 33 U.S.C. § 403 (1899)) if the prospective tenant's project or operation involves construction activities in navigable waters of the U.S. The U.S. Army Corps of Engineers enforces the regulations for this law.

K.2 Capacities

K.2(a) Drinking Water Capacity:

SRS has the capacity to provide drinking water to tenants.

The 'A-Area Loop' is the major drinking water system on SRS. The A-Area Loop provides water to A-, B-, C-, E-, F-, H-, J-, K-, L-, N-, S-, and Z-Areas including some portions of the general site (e.g., Forest Service, Burma Road biomass facility). SRS has several other smaller water systems that have limited capacity.



Connections to the SRS domestic water systems are approved on a case-by-case basis.

A-Area Drinking Water Loop System

System Capacity: 1,500 gallons per minute (gpm)

Current Demand: 900 gpm (daytime average)

Available Capacity: 600 gpm

D-Area Drinking Water System

System Capacity: 400 gpm

Current Demand: 200 gpm (daytime average)

Available Capacity: 200 gpm

[K.2\(b\) NPDES Permit Capacity](#)

Wastewater is sewage or liquid waste discharged by domestic residences, commercial properties, industry, and/or agriculture and can encompass a wide range of potential contaminants and concentrations.

SRS has six NPDES permits issued by SCDHEC as follows:

- Two permits for industrial waste water discharges. (SC0047431 permit covers the D-Area Powerhouse outfalls, and permit number SC0000175 permit covers the remainder of the site.) Both of these permits are currently expired, but have been administratively extended. The expired permits cannot be modified or changed. Therefore, no additional flows or pollutants can be discharged by the outfalls covered by these expired NPDES permits,
- One General Utility Water permit (permit number SCR000000) for certain, smaller cooling water discharges,
- Two General permits for storm water discharges (SCR000000 permit for industrial storm water and SCR100000 permit for construction storm water), and
- One General Permit SCG160000 for pesticide application/discharges.

[K.2\(c\) Wastewater Treatment Systems Capacity](#)



SRS has two main waste water treatment systems: the Central Sanitary Wastewater Treatment Facility (CSWTF), and the Effluent Treatment Project (ETP).

The CSWTF treats domestic sewage using the oxidation ditch process. The CSWTF has a design capacity of 1.05 million gallons per day and serves A/M, B, C, E, F, H, N and S Areas.

The CSWTF averages approximately 170,000 gallons per day or about 16 percent of the plant maximum capacity with periodic peak flows exceeding 50 percent of capacity. SRS' ability to tie a prospective tenant into SRS' systems will be determined during the permitting process, and depends upon flow and pollutants in proposed for discharge.

Central Sanitary Wastewater Treatment Facility Capacity

Design Capacity:	1.05 Million Gallons per Day (MGD)
Current Peak Demand:	0.6 MGD
Average Demand:	0.12 MGD
Available Capacity:	0.35 MGD

Effluent Treatment Project Capacity

The Effluent Treatment Plant (ETP) is a physical/chemical treatment plant that collects and processes low-level radioactive and chemically-contaminated waste waters. The ETP operates/discharges on a batch basis. The ETP has limited excess capacity available for treatment, as indicated below. The ability for prospective tenants to use the ETP system depends upon flow and pollutants in the tenant's proposed wastewater contribution (permit modification may be required).

Design Capacity:	300 gpm
Average Design Capacity:	165 gpm
ETP Annual Capacity:	27 Million gallons per year (Mgal/yr)
CY2012 Projection:	10 Mgal/yr
CY2012 Unused Capacity:	17 Mgal/yr

K.3 Permitting



K.3(a) Surface Water Permitting

Will the activity use water from a river or stream?

If yes:

A permit may be required for withdrawal of surface water. (See SC R.121-10, *Water Use Reporting and Coordination*, and SC R. 121-12, *Interbasin Transfer of Water* as well as the newly promulgated regulations, SC R.61-119, *Surface Water Withdrawal, Permitting, Use and Reporting Act*.)

Will there be a liquid release to streams, swamps, wetlands, seepage basins, storm drains, process sewers, ponds or lakes?

If yes:

A discharge permit may be required for the proposed release. Please review SC R.61-9, *Water Pollution Control Permits* and contact SCDHEC's Bureau of Water at (803) 898-4229.

K.3(b) Storm Water Permitting

Will the prospective tenant process have any material or activities exposed to precipitation?

If yes:

A permit may be required for discharge and management of contaminated storm water runoff. See SC R.61-9, Sections 122.26(b)914(i)-(ix) and (xi).

K.3(c) Wastewater Permitting

Will the activity install, construct, modify, demolish or impact any of the following:

- a sanitary/industrial process wastewater treatment system?
- a sanitary/industrial process wastewater collection system?
- a pump station(s) to transfer sanitary/industrial waste?
- a septic tank/tile field system?
- a storm water management system?

If yes:

A wastewater permit may be required. See SC R.61-9, *Water Pollution Control Permits*. For activities involving construction of new wastewater



treatment facilities or closure of existing wastewater treatment systems, also consult SC R.61-67, *Standards for Wastewater Treatment Facility Construction*.

Will the activity discharge any pollutant from a point source into the waters of the United States.?

The definition of “waters of the United States” includes the following:

- a. navigable waters of the United States
- b. wetlands.
- c. tributaries to navigable waters of the United States, including adjacent wetlands and lakes and ponds.
- d. interstate waters and their tributaries, including adjacent wetlands.
- e. all other waters of the U.S. not identified above, such as isolated wetlands, intermittent streams, and other waters that are not part of a tributary system to interstate waters or to navigable waters of the U.S., where the use, degradation or destruction of these waters could affect interstate or foreign commerce.

If yes:

A permit may be required for any point source discharge of pollutants that are in a waste water or storm water. See SC R.61-9, *Water Pollution Control Permits* and contact SCDHEC’s Bureau of Water at (803) 898-4300.

[K.3\(d\) Water Supply Permitting](#)

Will the activity install, construct, modify, or demolish a potable water distribution/treatment/supply system?

If yes:

A potable water permit may be required. See SC R.61-58, *State Primary Drinking Water Regulations* and contact SCDHEC’s Bureau of Water at (803) 898-4300.

Will the activity install, construct, modify, or demolish a potable or process water well?

If yes:

Please see the following Groundwater Permitting section.

[K.3\(e\) Groundwater Permitting](#)



To assure appropriate site-wide coordination of all activities potentially affecting groundwater SRS currently requires the preparation of an SRS-specific site use form known as a “Program Plan,” the format of which is available upon request. These Program Plans enable the SRS M&O contractor to maintain an effective site-wide groundwater protection program. Even if a new tenant would be conducting subsurface activities that would not affect groundwater, the tenant is encouraged to be mindful of SCDHEC regulatory requirements related to borings such as abandonment requirements (time clocks, materials and methods related to abandonment) and submittal of analytical data and water well records to SCDHEC, where applicable. Additional Guidelines to be followed during the approval process for groundwater wells are contained in SRS 3Q Manual, Procedures 9001, *Program Plan Preparation/Approval*. SC R. 61-68, *Water Classifications and Standards* is a key requirement in the protection and cleanup of groundwater at SRS. SC R. 61-68 Section H describes the classes and specific standards for groundwater. SC R. 61-68 Section H classifies all South Carolina groundwater as Class GB effectively requiring groundwater to be below Maximum Contaminant Levels set forth in SC R.61-58. SC R. 61-68 Section H also requires a groundwater monitoring program for any existing or proposed disposal system or other activities to determine the groundwater quality affected by such systems or activities.

SC R. 61-68 Section B allows for groundwater mixing zones which allow groundwater to deviate from water quality standards under specific conditions.

Will the prospective tenant project or activity impact, contact or in any way affect SRS Groundwater, or, involve ground penetration (including drilling, augering, pushing, jetting or driving)?

(This question is intended to determine whether the prospective tenant’s actions may disturb any existing areas of contamination on SRS, and prevent any future contamination by the protective tenant’s activities.)

If yes for construction related activities in regards to Solid Waste Landfills:

SC R. 61-107.19, *Solid Waste Management (SWM): Solid Waste Landfills and Structural Fill*, Subpart E of Part V may apply.

Accordingly, engaging in the Site Use/Site Clearance process through the SRS M&O contractor may be required.

If yes for construction related activities in regards to the use or disturbing of Structural Fill Material:



SC R. 61-107.19, *SWM: Solid Waste Landfills and Structural Fill*, Subpart E of Part V may apply.

Accordingly, engaging in the Site Use/Site Clearance process through the SRS M&O contractor may be required.

If yes for Hazardous Waste Management Activities:

Then, *South Carolina Hazardous Waste Management Regulations* (for monitoring regulated closure activities) may apply. SC R.61-79 Section 264, Subpart F applies to permitted hazardous waste Treatment, Storage, and Disposal (TSD) facilities with releases from regulated land-based hazardous waste land disposal units. These facilities must conduct groundwater monitoring to detect, characterize, and respond to releases of hazardous waste or hazardous constituents into the uppermost aquifer. SC R. 61-79 Section 265, Subpart F applies to interim-status TSD facilities and requires the facility to implement a groundwater monitoring program, but does not contain any provision for corrective action when a release has occurred.

Accordingly, engaging in the Site Use/Site Clearance process through the SRS M&O contractor may be required.

If yes for construction related activities in regards to Underground Storage Tanks (USTs):

Then the requirements of SC R. 61-92, Section 280 *Underground Storage Tank Control Regulations*, Subparts E and F may apply. These regulations pertain to releases from USTs. Subpart E addresses the reporting of releases from a UST system. Groundwater related site characterization and corrective action as a result of UST system releases are discussed in Subpart F.

Accordingly, engaging in the Site Use/Site Clearance process through the SRS M&O contractor may be required.

If yes for construction related activities in regards to Wastewater Facility:

SC R. 61-67, *Standards for Wastewater Facility Permitting*, may apply. Where necessary, groundwater monitoring wells may be required to monitor a permitted wastewater facility.

Accordingly, engaging in the Site Use/Site Clearance process through the SRS M&O contractor may be required.



If yes for construction related activities in regards to the construction, development or use of any Irrigation Well:

SC R. 61-44 *South Carolina Individual Residential Well & Irrigation Well Permitting* may apply.

Accordingly, engaging in the Site Use/Site Clearance process through the SRS M&O contractor may be required.

If the proposed activity will include the withdrawal of three (3) million gallons of aquifer water or greater in any month:

SC R.61-113, *Groundwater Use and Reporting* may apply. This regulation pertains to any groundwater well that will withdraw three million gallons or more of groundwater in any month. Given SRS's location on the Coastal Plain but outside of a designated Capacity Use Area, SC R.61-113 Section D requires SRS to submit a Notice of Intent thirty days prior to installing a new well or increasing the capacity of an existing well before withdrawing. SC R.61-113 Section I requires SRS, as a groundwater withdrawer, to submit annually, a water use report documenting the quantities of groundwater withdrawn, and the report includes both domestic and process wells.

Accordingly, engaging in the Site Use/Site Clearance process through the SRS M&O contractor may be required.

If yes for construction related activities in regards to the construction of a Domestic or Process water well(s):

Then, submittal (to the SRS M& O Contractor) may be required for a State of South Carolina Construction Permit Package, in accordance with SC R. 61-71, 2002, *South Carolina Well Standards and Regulations*, and SC R.61-58 *State of South Carolina Regulations for Primary Drinking Water Systems* along with a Program Plan. This initial submittal must be followed up by a second phase application (including details of well piping hardware and appurtenances) (at the appropriate stage) to the SRS M&O contractor. A SCDHEC construction permit must be obtained prior to domestic water well construction, or any modification to a domestic water well or associated groundwater system. A SCDHEC final inspection is also required, as also as required in SC R.61-58.

If yes for construction related activities in regards to sampling soils for analytical purposes (analytes):

SC R. 61-71 *South Carolina Well Standards and Regulations* may apply



Accordingly, engaging in the Site Use/Site Clearance process through the SRS M&O contractor may be required.

If yes for construction related activities in regards to sampling groundwater monitoring wells:

SC R.61-71 *South Carolina Well Standards and Regulations* may apply. Regulatory requirements associated with the sampling of groundwater monitoring wells are a function of the particular regulation under which the groundwater monitoring is being conducted. For example, solid waste regulations require that a groundwater monitoring plan be developed prior to sampling. SC R.61-71 Section D requires analytical data submitted to SCDHEC shall be from a South Carolina Certified Laboratory. SC R.61-71 Section H requires that all monitoring wells shall yield water samples and water levels that are representative of the zone monitored. SC R.61-71 Section H also requires that the well owner submit all analytical data and water levels obtained from each monitoring well to the Department within thirty days of receipt of laboratory results unless another schedule has been approved by SCDHEC.

If yes for construction related activities in regards to the abandonment of a well (s):

SC R. 61-71 *South Carolina Well Standards and Regulations* may apply.

Accordingly, engaging in the Site Use/Site Clearance process through the SRS M&O contractor may be required.

If yes for construction related activities in regards to the installation of piezometers and monitoring work:

SC R. 61-71 *South Carolina Well Standards and Regulations*, and possibly SC R.61 79 *Hazardous Waste Management Regulations* may apply. SC R.61-71 requires “up-front” approval of the monitoring well prior to installation of the well and sampling. SC R.61-71 Section D requires analytical data submitted to the Department shall be from a South Carolina Certified Laboratory. SC R.61-71 Section H requires that all monitoring wells shall yield water samples and water levels that are representative of the zone monitored. Section H also requires that the well owner submit all analytical data and water levels obtained from each monitoring well to the Department within 30 days of receipt of laboratory results unless another schedule has been approved by SCDHEC. SC R.61-71 Section H deals with monitoring wells, further subdividing requirements based on duration of need (temporary versus permanent) and installation method (conventional methods (auger, mud rotary) versus direct push (e.g., cone penetration).



Accordingly, engaging in the Site Use/Site Clearance process through the SRS M&O contractor may be required.

If yes for construction related activities for soil boring investigations:

SC R. 61-71 may apply. SC R.61-71 requirements depend of the type and purpose of the penetration. SC R.61-71 Section I deals with borings that are not completed as wells and more for the purpose of sampling sub-surface materials such environmental soil sampling, geotechnical, and exploration (in the mineral sense) borings. Geotechnical boring regulations require abandonment within five days of borehole completion and backfilling with a suitable material to eliminate safety hazards and infiltration of runoff into the boring. Exploration borings have more requirements but would seem to be outside of the scope of this questionnaire. Environmental soil sampling borings require all analytical data to be submitted to SCDHEC within thirty days of receipt of lab results unless another schedule has been approved by SCDHEC. These types of borings also require abandonment within five days of borehole completion; for borings less than five feet backfilling with native material, for borings greater than five feet filled from bottom to top with specific grout or cement either forced or tremied from the bottom. Water well record forms must be submitted to SCDHEC within thirty days of abandonment.

Accordingly, engaging in the Site Use/Site Clearance process through the SRS M&O contractor may be required.

K.3(f) Rivers and Harbors Act Permitting:

Will prospective tenant activity involve construction activities in navigable waters?

“Navigable waters of the United States” is defined by the United States Army Corps of Engineers as “those waters subject to the ebb and flow of the tide shoreward to the mean high water mark and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.”

If yes:

Prospective tenants may be required to obtain a *Rivers and Harbors Act* (33 C.F.R. § 401) “Section 9” (construction of dams, dikes, bridges and causeways) or a (33 C.F.R. § 403) “Section 10” (construction of structures or any other work affecting the course, location, condition or capacity of such waters) permit. Please see the U.S. Army Corps of Engineers regulations at



http://el.erdc.usace.army.mil/emrrp/emris/emrishelp5/rivers_and_harbors_acts_legal_matters.htm.

The prospective tenant may also be required to obtain a permit from SCDHEC in accordance with South Carolina regulations for *Permits for Construction in Navigable Waters* (SC R. 19-450). However, under certain circumstances, applications to the U.S. Army Corps of Engineers may be jointly used by the federal agencies and the State and no separate application may be required for the state permit.

L. OTHER DIRECTIVES:

L.1 DOE Order 231.1B (Environment, Safety and Health Reporting)

Prospective tenants performing work for DOE may be required to provide data pertaining to environment, safety, and health to DOE SR in order to comply with DOE Order 231.1B. Pursuant to this Order, the DOE/ National Nuclear Security Administration is required to compile information about events that could adversely affect the health, safety, and security of the public or workers, the environment, and operations of DOE facilities.

L.2 DOE Order 435.1 (Radioactive Waste Management)

Prospective tenant activities managing DOE radioactive waste must comply with DOE Order 435.1. This Order requires that all DOE radioactive waste is managed in a manner that is protective of worker and public health and safety, and the environment. In accordance with DOE Order 435.1, SRS manages LLW, HLW, and TRU waste within a number of storage, treatment, and disposal units.

L.3 DOE Order 436.1 (Departmental Sustainability) and Executive Order 13514 (Federal Leadership in Environmental, Energy, and Economic Performance)

Unless otherwise negotiated with DOE, prospect tenants will be required to support DOE's responsibilities to comply with Executive Order 13514 requirements, such as Greenhouse Gas reporting and establishing an Environmental Management System.

L.4 DOE Order 458.1 (Radiation Protection of the Public and the Environment)



DOE is required to evaluate the potential impact of prospective tenants' presence to DOE operations to assure radiation protection of the public and the environment. This evaluation will be a factor in the determination of where to locate a prospective tenant facility on SRS.

10 C.F.R. § 834 – Radiation Protection of the Public and the Environment

The requirements in this part governs activities conducted by, or for, the DOE that could result in the release of radioactive material, the exposure of members of the public to ionizing radiation, or contamination of the environment with radionuclides from DOE activities.



Chapter 3

Abbreviations and Acronyms

C&D - Construction and Demolition

CAA - Clean Air Act

CERCLA - Comprehensive Environmental Response, Compensation and Liability Act

C.F.R. - Code of Federal Regulations

COL - Combined Operating License

CWA - Clean Water Act

CSWTF - Central Sanitary Wastewater Treatment Facility

DOE - Department of Energy

DOE-SR - Department of Energy, Savannah River Operations Office

DOT - Department of Transportation

e.g. – Latin phrase “*exempli gratia*,” meaning “for example”

EQMD - Environmental Quality Management Division

EA - Environmental Assessment

EIS - Environmental Impact Statement

EPA - Environmental Protection Agency

EPCRA - Emergency Planning and Community Right to Know Act

ETP - Effluent Treatment Project

et seq. - Latin phrase “*et sequentes*,” meaning “and the following”

ESP - Early Site Permit

e●SRS - Enterprise SRS

EA - Environmental Assessment

EIS - Environmental Impact Statement

FFA - Federal Facility Agreement

gpm - gallons per minute

HLW - High-Level Waste

HMTA - Hazardous Materials Transportation Act

i.e. – Latin phrase “*id est*” meaning “that is”

LLW - Low-Level Waste

M&O - Management and Operating

MGD - Million Gallons per Day

Mgal/yr - Millions of gallons per year

MOA - Memorandum of Agreement

MSDS - Material Safety Data Sheet

NCP - National Oil and Hazardous Substances Pollution Contingency Plan

NEPA - National Environmental Policy Act



NPDES - National Pollutant Discharge Elimination System

NRC - Nuclear Regulatory Commission

OPA - Oil Pollution Act

PPA - Pollution Prevention Act

R. - Regulation

RCRA - Resource Conservation and Recovery Act

§ - refers to a particular section within a document (“§§” means multiple sections)

SC - South Carolina

SCDHEC - South Carolina Department of Health and Environmental Control

SDWA - Safe Drinking Water Act

SRS - Savannah River Site

TRU - transuranic

TSCA - Toxic Substances Control Act

TSD - Treatment, Storage, and Disposal

U.S. - United States

U.S.C. - United States Code

UST - Underground Storage Tank



Attachment 1

SCDHEC Review Times for Various Environmental Permits

Individual Permit Applications, Notifications, Certifications, and Licenses	SCDHEC Required Review Time (No. of Days) ^a
AIR QUALITY	
Prevention of Significant Deterioration (PSD) Review	270
Construction Permit	90
Construction Permit w/National Emission Standards for Hazardous Air Pollutants (NESHAP)	105
State Operating Permit	90
Asbestos License	5
Asbestos Demolition & Removal	10
Title V Program Administrative Completeness Review	60
Title V Operating Permit - New	540
WATER	
Waste Water Construction Permits	
Sewer Line/Pump Station	60/105
New, expanded, modified Waste Water Treatment Plant (WWTP) (>1 MGD)	90/120 ^b
New, expanded, modified WWTP (<1 MGD)	90/120 ^b
Pretreatment	90
Sludge/Septage Project	60
Discharge Permits	
New or increased capacity NPDES or land application	180
Reissuance NPDES or land application	180
General NPDES Permit (stormwater industrial, MS4, and others)	7-60
Drinking Water Protection	
Public Supply System (PWS) Construction Project	45
PWS Delegated Review Construction Project	15
Safe Drinking Water Act Fee	N/A
Individual Residential and Irrigation Well Construction Permit	2



Individual Permit Applications, Notifications, Certifications, and Licenses	SCDHEC Required Review Time (No. of Days) ^a
Other Permits/Certifications	
Sediment, Erosion, and Flood Control / Stormwater	20
NPDES Storm Water Construction Permit	7
Navigable Waters Permit (non-commercial/aerial crossing/industrial)	60
Dam Safety Permit	60
Agricultural Waste Management Plan Approval	90/120
401 Water Quality Certification (minor/major)	180
Groundwater Use (Capacity Use Areas Only)	60
Underground Injection (construction/operating)	60/45
Recreational Water (Pools, Jacuzzis, Hot Tubs, etc.)	15
Shellfish Sanitation (Certification/Permit)	45
Interbasin Transfer	210
LAND AND WASTE MANAGEMENT	
Hazardous Waste Treatment, Storage, Disposal (commercial)	990
Hazardous Waste Treatment, Storage, Disposal (non-commercial)	540
Hazardous Waste Transporter	30
Infectious Waste Treatment, Storage	270
Radioactive Materials License	30/180
Radioactive Waste Transport Permit	10
Oil and Gas Exploration Permit	30
Oil and Gas Well Drilling Permit	30
Terminal Facility Registration	30
Underground Storage Tank	
Underground Storage Tank Construction	15/45
Underground Storage Tank Operating	10
Solid Waste Landfills	



Individual Permit Applications, Notifications, Certifications, and Licenses	SCDHEC Required Review Time (No. of Days) ^a
Landfills - Municipal - Preliminary Characterization Report	60
Landfills - Municipal - Site Workplan	90
Landfills - Municipal - Site Report	120
Landfills - Municipal - Permit Application	360
Landfills - Municipal Incinerator Ash - Preliminary Characterization Report	60
Landfills - Municipal Incinerator Ash - Site Workplan	90
Landfills - Municipal Incinerator Ash - Site Report	120
Landfills - Municipal Incinerator Ash - Permit Application	360
Landfills - Industrial - Preliminary Characterization Report	60
Landfills - Industrial - Site Workplan	90
Landfills - Industrial - Site Report	120
Landfills - Industrial - Permit Application	360
Construction, Demolition, & Land-Clearing Debris	
Landfills - Short-Term C&D	120
Landfills - General Permit for LCD	120
Landfills - On-Site C&D	120
Landfills - Long-Term C&D	120
Other Solid Waste Facilities	
Transfer Station	90
Processing Facility	90
Municipal Waste Incinerator	180
Used Oil Processor/Re-Refiners	365
Used Oil Fuel Marketer/Off-Specification Burner	30/180
Research, Development & Demonstration Permit	90
Waste Tire Management	
Waste Tire - Collection/Processing/Disposal	90
Solid Waste Registration	
Yard Trash: Composting & Chip/Shred	30
Waste Tire Haulers	30



Individual Permit Applications, Notifications, Certifications, and Licenses	SCDHEC Required Review Time (No. of Days) ^a
Used Oil Collection Center, Aggregation Point, Transporter, & Transfer Facility	30
Battery Collection Facility	30
Mining and Reclamation	
Mine Operating Permit (general/individual)	60
Certificate of Exploration	15
LABORATORY CERTIFICATION	
Laboratory Certification	90
RADIOLOGICAL HEALTH	
Radioactive Materials License	30/180
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT	
Critical Area Permit	60
Coastal Zone Consistency Determination/Certification	30

a. These are agency required time frames. This estimate does not include the time period that may be lost while SCDHEC is waiting for the applicant to revise application. The actual time frame for your specific project may vary due to the specific nature of your project and the current workload of the program area. Also, the agency required time-frame may change due to changes in the regulations.

b. Estimated review time is 120 days (or 20 days beyond effluent discharge permit issuance, whichever is greater).

Source: *A General Guide to Environmental Permitting in South Carolina*, South Carolina Department of Health and Environmental Control, 2001 (<http://www.scdhec.gov/administration/library/CR-003631.pdf>)