



Catherine E. Heigel, Director

Promoting and protecting the health of the public and the environment

August 25, 2015

Mr. Patrick J. Maley, State Inspector General
Office of the Inspector General
111 Executive Center Dr.
Suite 204
Columbia, SC 29210

Dear Mr. Maley:

Thank you for your assessment of risk related to landfill financial assurance (FA). We expect excellence from our staff and are glad you found our program to be in substantial compliance. Although we have done a good job enforcing current requirements regarding FA, we appreciate that some risks remain without sufficient funds identified.

As you stated, our current solid waste rules require FA for closure and post closure care but do not give us authority to require an emergency fund. We agree with your assessment that an emergency fund would help protect South Carolina taxpayers from the burden of paying for incidents like the Bennett landfill fire. It would also give us a funding source to allow a quick reaction to such an incident when other resources are not available. In addition, we recognize that it could be difficult to obtain FA for a pollution event that occurs from a landfill during the post closure period.

With your recommendations in mind, the Agency will assess the risk and evaluate our options to obtain funding for identified current and future risks and take appropriate action toward resolving these concerns. Although we have had past discussions with policy makers about insufficient cleanup funds, we did not previously have a fresh example like Bennett to demonstrate the difficulties that can arise in a landfill emergency.

I have received positive feedback from staff regarding the professionalism of Mr. Lamkin and yourself during this review. We appreciate your analysis and recommendations. Feel free to contact me in the future if you have questions about DHEC programs.

Sincerely,

Catherine E. Heigel

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Office of Inspector General

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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Handwritten initials and date: PH 9/11/15