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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

June 2, 1998

The Honorable Glenn G. Reese
Senator, District No. 11
502 Gressette Building
Columbia, South Carolina 29202

Dear Senator Reese:

Attorney General Condon has forwarded your recent opinion request to me for reply. You have informed this Office that one of your constituents owns a small business in Spartanburg County. This constituent's property is not located in the City of Spartanburg. This constituent accumulates wooden pallets and would like to dispose of them by burning. You have asked whether South Carolina law or Spartanburg County ordinance permits the burning of such pallets.

In regards to state law, the South Carolina Pollution Control Act authorizes the Department of Health and Environmental Control (DHEC) to adopt regulations concerning the emission of air contaminants. S.C. Code Ann. § 48-1-10 et seq. Pursuant to this authority, DHEC has promulgated R. 61-62.2, which prohibits open burning subject to limited exceptions found therein. (copy enclosed). Under this regulation, the burning of wooden pallets would generally be prohibited. However, since this regulation contains several exceptions to the open burning prohibition, I would recommend that your constituent contact DHEC to determine whether his particular situation falls within one of these exceptions.

In regards to the existence of a Spartanburg County ordinance on this subject, I have spoken with the Spartanburg County attorney to determine whether the county has an ordinance on this subject. I have been informed that Spartanburg County does not have an ordinance in this regard.

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With kindest regards, I remain

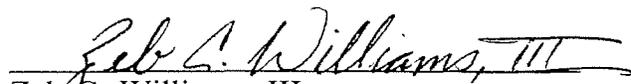
Very truly yours,



Paul M. Koch

Assistant Attorney General

REVIEWED AND APPROVED BY:


Zeb C. Williams, III
Deputy Attorney General