

1978 WL 34648 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 12, 1978

*1 The Honorable Graydon V. Olive
City Manager
City of Columbia
P. O. Box 147
Columbia, South Carolina 29217

Dear Mr. Olive:

As you know, representatives of the Department of Health and Environmental Control met recently with you to explore the possibility of the city's taking over waste treatment facilities which serve Greenview, Farrow Hills, and Farrow Terrace Subdivisions in the Greenview Section of the City of Columbia. My support of these efforts was expressed to you at that meeting, and I am writing this letter to confirm that support.

My assistants are presently engaged in litigation against the owner of one of these facilities for violations of the South Carolina Pollution Control Act. Similar actions will be initiated against the owners of the other facilities as soon as DHEC completes its administrative actions against them. While I am confident that we can obtain a judgment against the corporations operating these facilities, I am less confident that this will solve the problems faced by the residents of those subdivisions. These residents have been plagued by frequent malfunctions and stoppages in these sewage systems which have resulted in raw sewage flowing across the ground in these subdivisions. Although we have been somewhat successful in obtaining emergency repairs through court action, it has become apparent that there are few funds available to these systems to be properly upgraded to meet the present requirements of the Pollution Control Act and to preclude these frequent malfunctions. Consequently, it could take years to effect a solution to this problem through the courts, and the residents of this area would continue to experience the problems they have faced in the past.

For these reasons, I fully support the City's accepting ownership of these facilities. I believe that this solution is the only one which will ensure both rapid compliance with the South Carolina Pollution Control Act and an end to the terrible conditions the residents of this area have faced for the past few years.

Thank you for your consideration in this matter.

Very truly yours,

Daniel R. McLeod
Attorney General

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