

1979 WL 43054 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 6, 1979

***1 RE: Authority to Conduct Open Dump Inventory**

Hartsill W. Truesdale, P.E.
Director
Solid Waste Management Division
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Dear Mr. Truesdale:

You have requested an opinion of this Office as to whether State statutory or regulatory authority exists for the Solid Waste Management Division of the South Carolina Department of Health and Environmental Control to conduct a statewide disposal facility and open dump inventory in compliance with the dictates of the Fiscal Year 1980 Grant from the Environmental Protection Agency referenced in your letter. Such an inventory, you advise, would entail investigating and classifying all disposal facilities and sites in the State as open dumps or sanitary landfills, making a determination as to whether all sites classified as open dumps should be closed or upgraded, establishing compliance schedules for upgrading open dumps where appropriate, and prohibiting new open dumps. It is our opinion that such authority does exist.

[Section 48-1-50\(6\) of the 1976 Code of Laws of South Carolina](#) authorizes the Department to:

Conduct studies, investigations and research with respect to pollution abatement, control or prevention. Such studies shall include but not be limited to, air control, sources, disposal systems and treatment of sewage, industrial waste or other wastes, by all scientific methods and, if necessary, of the use of mobile laboratories.

Furthermore, [§ 44-1-140\(11\) of the 1976 Code](#), in pertinent part, authorizes the Department to make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing '[f]or the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town or city of the State, incorporated or unincorporated . . .'. The regulations duly promulgated pursuant to that legislative delegation of authority are found at [Regulation 61-70](#) of the 1976 Code.

Therefore, it is the opinion of this Office that the proposed inventory activity by the Department's Solid Waste Management Division is authorized under current State law.

I trust the preceding discussion adequately answers your question, however, if any further explanation is required, please do not hesitate to contact me.

Very truly yours,

Richard P. Wilson
Assistant Attorney General

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