

1974 WL 27785 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
May 24, 1974

***1 In Re: H-3069**

The Honorable John C. West
Governor
Columbia, South Carolina

Dear Governor West:

You have requested my opinion as to the constitutionality of H-3069, which provides:

‘Notwithstanding any provisions of law, whether statutory or by administrative rule or regulation, in Marion County permissible solid waste disposal systems shall not be required to be submitted for approval to the Pollution Control Authority or the State Health Department before July 1, 1975.’

It is my opinion that this Bill would provide for an unconstitutional law, in that it is prohibited by the provisions of Article VIII of the Constitution of this State which preclude the enactment of laws for specific counties and by the provisions of Article III, Section 34, of the Constitution of this State, which provide that a special law shall not be enacted where a general law can be made applicable.

H-3069 would have the effect of continuing in existence an invalid and unconstitutional law. The Department of Health and Environmental Control has exclusive jurisdiction with respect to disposal of garbage and refuse. Sections 32-8 and 63-195.13, Code of Laws, 1962, as amended. Appropriate implementing regulations have been promulgated with respect to these powers. The exemption of Marion County from this Statewide authority and jurisdiction is, in my opinion, violative of the two constitutional provisions referred to above, and the proposed extension of such unconstitutional exemption, in my opinion, is similarly invalid.

Very truly yours,

Daniel R. McLeod
Attorney General

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