

1982 WL 204140 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 4, 1982

**RE: Authority of the Department to enter into cooperative agreements under the South Carolina Hazardous Waste Management Act of 1980**

\*1 Robert E. Malpass, P.E.

Chief

Bureau of Solid & Hazardous Waste Management

You have requested an opinion of this Office regarding a proposed cooperative agreement between the South Carolina Department of Health and Environmental Control and United States Environmental Protection Agency (hereafter EPA), which agreement will be part of a grant application package to secure federal monies under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) for cleanup of the South Carolina Recycling and Disposal Company's hazardous waste site on Bluff Road in Richland County. Specifically, you have asked whether the Department has the requisite authority to enter into a cooperative agreement with EPA and whether DHEC is the appropriate state agency to enter into such an agreement with EPA.

[Section 44-56-40 of the 1976 Code of Laws of South Carolina](#), as amended (The South Carolina Hazardous Waste Management Act), in pertinent part, expressly provides as follows:

To carry out the provisions and purposes of this chapter, the department is authorized to:

1. Enter into agreements, contracts, or cooperative arrangements, under such terms and conditions as it deems appropriate, with other state, federal or interstate agencies, municipalities, educational institutions, local health departments, or other organizations or individuals;
2. Receive financial and technical assistance from the federal government and private agencies; ....

It is therefore certain that the Department has been vested with the requisite authority to enter into intergovernmental agreements such as you describe. See also Section 48-1-50 (8), (12) of the amended Code for additional authority vested in the Department in this regard generally.

Therefore, it is the opinion of this Office that the South Carolina Department of Health and Environmental Control has the requisite authority to enter into a cooperative agreement with the United States Environmental Protection Agency to secure federal monies for cleanup of the South Carolina Recycling and Disposal Company's hazardous waste site on Bluff Road in Richland County.

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

Richard P. Wilson  
Assistant Attorney General  
Legal Office

Reviewed and Approved by:

Frank K. Sloan  
Deputy Attorney General

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