

1972 WL 25344 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 5, 1972

**\*1 Re: Pollution Control Authority (Memorandum of Understanding and Agreement between the Authority and State Board of Health does not cover the situation in which solid wastes from a mill village are disposed of at a site operated by industry.)**

Mr. Johnnie W. Smith  
Chief  
Solid Waste Management Division  
Pollution Control Authority  
P. O. Box 11628  
Columbia, South Carolina 29211

Dear Mr. Smith:

By your letter of May 30, 1972, you requested an opinion as to whether the pollution Control Authority or the State Board of Health has jurisdiction to issue a permit for a solid waste disposal site, which receives waste from a mill village and is operated by an industry, in view of the Memorandum of Understanding signed December 8, 1971, by the Pollution Control Authority and the State Board of Health.

The Memorandum covers two distinct situations, i.e.,

- 1) when a proposed land fill site is to be utilized purely by private industry and
- 2) when a proposed land fill site is to be utilized purely by governmental entities or by governmental entities and private industry jointly. Your present situation involves wastes from a mill village, which is apparently neither a governmental entity nor a private industry.

Accordingly, since the State Board of Health has already initiated action on this particular case, it is my suggestion that the State Board of Health retain jurisdiction for the issuance of a permit to Clinton Mills. However, with respect to situations similar to this in the future, it is my suggestion that the Pollution Control Authority and State Board of Health get together and work out a satisfactory demarcation between those facilities that the State Board of Health will permit and those facilities that the Pollution Control Authority will permit.

If I can be of any assistance in working this out, please let me know.

Very truly yours,

Edwin B. Brading  
Assistant Attorney General

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