



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

September 20, 1995

J. Martin Harvey, Esquire  
Allendale Town Attorney  
Post Office Box 1005  
Barnwell, South Carolina 29812

RE: Informal Opinion

Dear Mr. Harvey:

You have advised that the Allendale County Administrator notified officials of the Town of Allendale that, effective July 1, 1995, the County of Allendale would no longer be paying for the disposal of the solid waste of the Town of Allendale. You have expressed your concern that S.C. Code Ann. §44-96-80(J) (1994 Cum. Supp.) specifically requires counties to be responsible for solid waste disposal for both incorporated and unincorporated areas of the county. The question has arisen as to who is responsible for paying the costs of disposal of the solid waste of the Town of Allendale, given the language of §44-96-80(J).

Section 44-96-80(J) is but a part of a comprehensive statutory scheme establishing a solid waste policy for the State of South Carolina. Section 44-96-80 essentially requires counties, either singly or on a regional basis, to develop comprehensive solid waste management plans and establishes local government<sup>1</sup> responsibilities. The language which you have referenced provides in relevant part that "[t]he governing body of a county has the responsibility and authority to provide for the operation of solid waste

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<sup>1</sup>The phrase "local government" is defined in §44-96-40(25) to mean "a county, any municipality located wholly or partly within the county, and any other political subdivision located wholly or partly within the county when such political subdivision provides solid waste management services."

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management facilities to meet the needs of all incorporated or unincorporated areas of the county." Exactly what the legislature meant by "responsibility and authority" is not further specified.

This statute cannot be interpreted in a vacuum, however. Also to be considered is §44-96-80(H), which provides:

Local governments may enter into cooperative agreements with other local governments to provide for the collection, separation, or recycling of solid waste at mutually agreed upon sites. Local governments may expend funds received from any source to establish and maintain such regional facilities and to provide for sharing the costs of establishing and maintaining such facilities in an equitable manner.

It therefore appears that the legislature anticipated that local governments would enter into cooperative agreements for the various aspects of disposing of solid waste and that costs therefor would be shared.

Such an interpretation would be in accordance with rules of statutory construction. In interpreting any legislative act, it is the primary object of both the courts and this Office to determine and effectuate legislative intent where it is possible to do so. Bankers Trust of South Carolina v. Bruce, 275 S.C. 35, 267 S.E.2d 424 (1980). Statutory provisions should be given a reasonable and practical construction in keeping with the purpose and policy expressed within the statute. Hay v. South Carolina Tax Commission, 273 S.C. 269, 255 S.E.2d 837 (1979). The meaning of a statute is not to be sought in any single section but instead is to be sought in all parts of the statute together and their relation to the end in view. DeLoach v. Scheper, 188 S.C. 21, 198 S.E. 409 (1938).

Giving effect to the entire statutory scheme, I am of the opinion that while §44-96-80(J) gives counties the "responsibility and authority to provide for the operation of solid waste management facilities to meet the needs of all incorporated or unincorporated areas of the county [,]" the presence of §44-96-80(H) anticipates that local governments might enter into agreements and share the costs of collecting, separating, or recycling solid waste. I can identify no provision of §44-96-80 which appears to require that a county shoulder the full financial burden for the collection and disposal of the solid waste generated by the incorporated and unincorporated areas of the county.

This letter is an informal opinion only. It has been written by a designated Senior Assistant Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the

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Attorney General nor officially published in the manner of a formal opinion. I trust that it has satisfactorily responded to your inquiry and that you will advise if clarification or additional assistance should be needed.

With kindest regards, I am

Sincerely,

*Patricia D. Petway*

Patricia D. Petway  
Senior Assistant Attorney General