

RESOLUTION 2013-09

IN OPPOSITION TO HOUSE BILL 3290 AND SENATE BILL 203 CURRENTLY PENDING BEFORE THE SOUTH CAROLINA GENERAL ASSEMBLY

WHEREAS, Section 44-96-80, Code of Laws of South Carolina 1976, as amended, states that "The governing body of a county has 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."; and

WHEREAS, counties are responsible for any environmental or public health damages caused by solid waste under the Resource Conservation and Recovery Act, 42 U.S.C. Sections 6901, et seq., as amended, and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sections 9601, et seq., as amended; and

WHEREAS, South Carolina Counties experience an annual net cost of over \$55 million in order to meet the aforementioned mandates along with the Counties' responsibility for the State's solid waste reduction and recycling goals; and

WHEREAS, for several decades or more, all counties have undertaken to meet their responsibilities in particular ways best suited for their respective communities; and

WHEREAS, these responsibilities have required significant financial obligations and contractual agreements, which are often adopted by public ordinances pursuant to state law; and

WHEREAS, counties have by public ordinance either directed or caused to be directed solid waste to a particular facility in order to protect public health and safety and to pay for construction, operation and post closure expenses; and

WHEREAS, it is well known that an expected, demanded and mandated function of local government is the provision of and responsibility for solid waste and recycling services to citizens; and

WHEREAS, H. 3290 and S. 203 have been introduced in the South Carolina General Assembly in January 2013 as a direct attack on a traditional function of local government that has been repeatedly recognized and upheld in state and federal courts; and

WHEREAS, H. 3290 and S. 203 attack the legal validity of municipal and county franchised garbage hauling districts granted pursuant to Section 44-55-1040, Code of Laws of South Carolina 1976, as amended, which would be detrimental to public health and safety as well as local businesses; and

WHEREAS, H. 3290 and S. 203 retract the police powers granted to counties by Section 4-9-25, Code of Laws of South Carolina 1976, as amended, to protect public health and safety; and

WHEREAS, H. 3290 and S. 203 conflict with Section 13 of Article 8 of the South Carolina Constitution of 1895, as amended, which grants the right to counties and municipalities to jointly administer and share costs of provision of public services to citizens; and

WHEREAS, H. 3290 and S. 203 propose to take authority from locally elected and accountable public officials and vest the authority instead with an industry which already disposes of 75% of the municipal solid waste in the state, owns over two-thirds of the 11 million tons of permitted annual municipal solid waste disposal capacity in the state while less than 5 million tons of municipal solid waste is generated by the state annually, and imports over 600,000 tons of municipal solid waste into the state each year; and

WHEREAS, H. 3290 and S. 203 run directly counter to the desires of an overwhelming majority of registered voters in South Carolina. According to a statewide survey of registered voters conducted by the University of South Carolina in April 2013 which found that 76.4% of voters support county governments regulating where solid waste is disposed in the county and that 88.2% of voters oppose the importation of out of state solid waste; and

WHEREAS, H. 3290 and S. 203 would take away the Counties' authority to achieve the State's policy of reducing solid waste through source reduction, reuse, recycling and treatment of municipal solid waste, which was made law by the Solid Waste Policy and Management Act of 1991; and

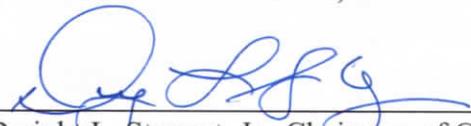
WHEREAS, H. 3290 and S. 203 are an effort by a special interest lobby in South Carolina predominantly funded by the two largest solid waste corporations in the United States, to strip away authority from Counties and citizens for the benefit of these corporations without altering the burden of responsibility on the Counties whatsoever.

NOW THEREFORE, BE IT RESOLVED by the Clarendon County Council that it continues its unwavering opposition to H. 3290 and S. 203 and requests that all members of the South Carolina General Assembly refuse further consideration of either of these bills and any similar legislation.

Adopted this 14th day of October 2013.

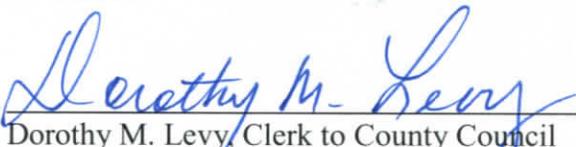


CLARENDON COUNTY, SOUTH CAROLINA



Dwight L. Stewart, Jr., Chairman of County Council
Clarendon County, South Carolina

(SEAL)
ATTEST:



Dorothy M. Levy, Clerk to County Council
Clarendon County, South Carolina