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CHAPTER 67.

 LITTER CONTROL

**SECTION 44‑67‑10.** Short title.

This chapter may be cited as the “Litter Control Act of 1978”.

**SECTION 44‑67‑20.** Purpose; cooperation of State agencies.

The purpose of this chapter is to accomplish litter control throughout this State by delegating to the Department of Health and Environmental Control the authority to conduct a continuous program to control, prevent and eliminate open dumps and litter from the State to the maximum practical extent. Every other department of state government and all local governmental units and agencies of this State shall cooperate with the Department of Health and Environmental Control in the administration and enforcement of this chapter. The intent of this chapter is to supplement and to coordinate existing litter and open dump control, prevention and elimination efforts and not terminate existing efforts, nor, except as specifically stated, repeal or affect any law or regulation governing or prohibiting litter or the control and disposition of solid waste.

**SECTION 44‑67‑30.** Definitions.

As used in this chapter unless the context indicates otherwise:

(1) “Department” means the Department of Health and Environmental Control;

(2) “Director” means the director of the department;

(3) “Disposable package or container” means all packages or containers defined as such by rules and regulations adopted by the department;

(4) “Litter” means all waste material including but not limited to disposable packages or containers, trash, garbage or refuse, but not including the wastes of the primary processes of mining, logging, sawmilling or farming;

(5) “Litter receptacle” means those containers adopted by the department which may be standardized as to size, shape, capacity and color and which may bear a state anti‑litter symbol, as well as any other receptacle suitable for the depositing of litter;

(6) “Person” means an individual, partnership, copartnership, cooperative, firm, company, public or private corporation, political subdivision, agency of the State, trust, estate, joint structure company or any other legal entity or its legal representative, agent or assigns.

(7) “Vehicle” means every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rails or tracks;

(8) “Watercraft” means any boat, ship, vessel, barge or other floating craft;

(9) “Public place” means any area that is used or held out for use by the public, whether owned or operated by public or private interests.

(10) “Open dump” means a land disposal site for solid waste which does not qualify as a sanitary landfill.

(11) “Solid waste” means any garbage, refuse, sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities.

This term does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

(12) “Sanitary landfill” means a method of disposing of solid waste on land without creating pollution, nuisances, environmental threats or hazards to public health and safety.

(13) “Board” means the South Carolina Board of Health and Environmental Control.

**SECTION 44‑67‑40.** Rules and Regulations.

The Board is authorized to promulgate rules and regulations necessary to carry out the provisions, purposes and intent of this chapter; provided, however, that until July 1, 1979, any contracts entered into pursuant to the provisions of this chapter shall not be subject to procedural rules and regulations of any state agency.

**SECTION 44‑67‑50.** Enforcement.

The director may designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this chapter and all rules and regulations adopted thereunder. The director shall also have authority to contract with other state and local governmental agencies having law enforcement capabilities for services and personnel reasonably necessary to carry out the enforcement provisions of this chapter. In addition, state highway patrol officers, enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources , fire marshals and police officers, and those employees of the Department of Health and Environmental Control and the Parks, Recreation and Tourism Department vested with police powers all shall enforce the provisions of this chapter and all rules and regulations adopted thereunder and are hereby empowered to issue citations to or arrest, without warrant, persons violating any provision of this chapter or any of the rules and regulations adopted hereunder.

All of the foregoing enforcement officers may serve and execute all warrants, citations and other process issued to enforce the provisions of this chapter.

**SECTION 44‑67‑60.** Posting of provisions of chapter.

Pertinent portions of this chapter may be posted by the department along the public highways of this State and in all campgrounds and trailer parks, at all entrances to state parks, forest lands and recreational areas, at all public beaches and at other public places in this State where persons are likely to be informed of the existence and content of this chapter and the penalties for violating its provisions.

**SECTION 44‑67‑70.** Gifts and grants; status as charitable contribution.

The department is authorized to solicit and accept grants or contributions from private and public sources to be used to carry out the provisions of this chapter. Notwithstanding any other provision of law, any contributions received by the department from private sources pursuant to this section shall be treated as a tax deductible charitable or benevolent contribution for income tax purposes.

**SECTION 44‑67‑80.** Litter Control Account.

There is hereby created an account within the state general fund to be known as the “Litter Control Account”. Grants and contributions received by the department pursuant to Section 44‑67‑70 shall be placed in this Litter Control Account. This account may be supplemented by the General Assembly through annual appropriation. The department may make such funds available to litter control organizations as it deems appropriate and the department shall be responsible for assuring that all entities receiving funds pursuant to the provisions of this chapter shall carry out the intent of this chapter. Utilization of funds appropriated by the General Assembly to the Litter Control Account shall be governed by line item categories in the annual general appropriation bill.

**SECTION 44‑67‑90.** Funds for research and development.

The department may allocate funds annually to study research and development in the field of litter control as well as to study methods for the implementation in this State of such research and development. In addition, funds may be used for the development of public educational programs concerning litter problems and grants may be made available for these purposes to those persons deemed appropriate and qualified by the commissioner. Further, any monies received by the department may be used to match federal funds for the purpose of establishing or studying a resource recovery system.

**SECTION 44‑67‑100.** Duties of department.

In addition to the direct support of tangible activities related to litter and open dump control, the department shall:

(1) Serve as the coordinating agency between the various industry and other organizations seeking to aid in the anti‑litter and open dump closure effort;

(2) Cooperate with local governmental and other entities to accomplish coordination of local anti‑litter and open dump closure efforts;

(3) Cooperate with local governmental and other entities to accomplish development of educational programs in the elementary and secondary school systems;

(4) Encourage, organize and coordinate voluntary local campaigns seeking to focus the attention of the public on the programs of this State to control and remove litter and open dumps;

(5) Investigate the availability of and apply for funds available from any private or public source to be used to implement the provisions of this chapter, and to coordinate and to make recommendations regarding the expenditure of all funds in the possession of private or public sources which are designated for litter control;

(6) Encourage industry and other organizations which are active in anti‑litter efforts to provide active cooperation with the department so that additional effect may be given to the anti‑litter and open dump closure campaign of this State;

(7) Hire temporary employees including, but not limited to, students enrolled in educational institutions in South Carolina to participate in summer work programs of litter and open dump control;

(8) Make demonstration grants to county and municipal governments and other state agencies;

(9) Seek contributions from public and private sources;

(10) Analyze the cost benefit or recycling and neutralizing litter and, whenever determined to be cost effective, promote such practices;

(11) Encourage the use of litter receptacles at public places and by commercial establishments where litter is a by product of the operations of such establishments.

**SECTION 44‑67‑110.** Litter Control Officers.

The department may hire, train and equip individuals who shall be designated Litter Control Officers who shall first attend the police academy and upon graduation shall be vested with police powers as set forth in Section 44‑67‑50 and whose duties shall include:

(1) Educate and inform the public and commercial entities of provisions governing the regulation and control of solid wastes;

(2) Periodically investigate and file written reports of the investigation to the department on sanitary landfill operations;

(3) Investigate and file written reports of the investigation on all complaints citing violations of this chapter;

(4) Patrol and monitor the public highways in areas of responsibility to be designated by the department to police violation of this chapter;

(5) Issue citations for violations of this chapter;

(6) Institute and prosecute actions for violations of this chapter;

(7) Promote public awareness of the problems sought to be remedied by the provisions of this chapter.

**SECTION 44‑67‑120.** Contracts with counties for litter removal by inmates.

The department shall contract with as many counties as funding permits for litter removal along public roads and beaches using prison inmates subsidized by the State on a per mile or per square mile basis. Participation by the counties shall be entirely voluntary. The rate of subsidy per mile or per square mile shall be negotiated between the department and the counties, if necessary, taking into account specified varying conditions that affect the cost of litter removal. The rates established shall not exceed the cost of doing the same work with civilian labor. The department shall contract initially with no more than three counties for a period of at least six months in a carefully designed and monitored experiment to determine the costs of litter removal under varying conditions. Upon completion of these experiments the board shall issue a written statement of the factors to be incorporated in determining the per mile or per square mile rate of subsidy and, subject to published alterations in this statement, shall negotiate all subsequent contracts on the basis of the factors specified in the statement.

**SECTION 44‑67‑130.** Appropriation.

For the initial implementation of this chapter and to establish the “Litter Control Account” as prescribed in Section 44‑67‑80 there is hereby appropriated from the general fund of the State the amount of five hundred thousand dollars. Any unexpended balance of the amount herein appropriated which remains after July 1, 1979, shall revert to the general fund of the State.