

CHEROKEE COUNTY STATEMENT REGARDING SOLID WASTE COLLECTION AND DISPOSAL FEE

Cherokee County Council Approves Temporary Voluntary Opt Out While Reviewing the Future of Countywide Collection

On September 10, 2026, Cherokee County Council held a special called meeting to receive legal advice regarding a recent opinion issued by the South Carolina Attorney General's Office concerning the County's Solid Waste Collection and Disposal Fee.

Following that discussion, Council voted to permit residential property owners to voluntarily opt out of the County's solid waste collection service and have the full fee removed from their property tax bill for this tax year only.

This temporary action gives Council time to carefully evaluate the opinion, the County's legal options, the financial effects of voluntary opt-outs and the long-term future of county-operated residential collection. Council expects to revisit the future of the program in January 2027.

Understanding the Attorney General's Opinion

An Attorney General's opinion is a formal legal interpretation issued by the South Carolina Attorney General's Office in response to a question presented to it. It provides important legal guidance and represents the Office's assessment of how existing law may apply to the facts presented.

An Attorney General's opinion is not legislation and is not a judicial ruling. It does not, by itself, invalidate a county ordinance. A binding determination regarding the validity of an ordinance ultimately rests with a court having jurisdiction over the matter. Nevertheless, Cherokee County Council takes the opinion seriously and has chosen to provide a temporary opt-out while it evaluates how the opinion affects the County's combined solid waste program.

The opinion recognizes that South Carolina counties are authorized to impose uniform service charges for sanitation, including solid waste collection and disposal. It also correctly identifies the requirements established by state law for a service or user fee.

Section 6-1-300 of the South Carolina Code provides that revenue from a service or user fee must:

1. Be used to the benefit of the payers, even if the general public also benefits;
2. Be used only for the specific improvement or program contemplated;
3. Not exceed the cost of the improvement or program; and
4. Be uniformly imposed upon the payers.

The recent opinion concludes that a resident who does not use the County's residential trash removal service is unlikely to receive the required benefit from that service.

Cherokee County respects that analysis. At the same time, the County believes it is important for residents to understand that the adopted fee is not limited to the cost of driving a garbage truck to a residence and emptying a roll cart.

Why An Opt-Out Was Not Included When the Fee Was Adopted

When Cherokee County Council adopted the Solid Waste Collection and Disposal Fee in July 2026, it understood South Carolina law to require a service fee to be imposed uniformly upon the payers.

Council also understood that every residential payer received a benefit from the County's overall solid waste system, even if an individual resident did not regularly place a County roll cart at the road. Approximately half of the fee supports broader disposal operations, including recycling, landfill operations, convenience centers, required landfill post-closure care, transfer facilities and other lawful disposal responsibilities, that benefit the payers and the general public.

This understanding was based on the language of South Carolina Code Section 6-1-300, which provides that fee revenue must "be used to the benefit of the payers, even if the general public also benefits," and must be "uniformly imposed on all payers."

Based on those requirements, the County understood that allowing individual residents to opt out of the entire fee would be inconsistent with a uniformly funded solid waste system from which all residential properties received a disposal-related benefit. For that reason, a voluntary opt-out was not presented as part of the fee structure when Council adopted the budget and ordinance.

This approach was also consistent with the general practice used elsewhere in South Carolina. Approximately half of the state's counties fund solid waste or landfill operations through direct fees, dedicated millage or both. Many of these charges support public disposal infrastructure and programs that remain necessary regardless of whether every individual payer personally uses every available facility or service.

The Attorney General's opinion was therefore an unexpected development for Council. Although the opinion acknowledges the County ordinance's broader uses, including collection, transfer, recycling, disposal, equipment and facilities, its final analysis focuses primarily on whether a resident uses house-to-house trash removal.

The opinion does not create a new law or independently establish a right to opt out. Rather, it advises that a court would be unlikely to find that a resident who completely declines County trash collection receives the benefit required to support the fee.

In response to that legal guidance, Council voted to establish a temporary voluntary opt-out for this tax year while it evaluates how the opinion applies to a combined fee that supports both individual collection and broader disposal operations. This was not an option that Council had previously rejected or failed to consider. It represents a temporary response to a legal interpretation received after the fee was adopted.

What the Full Fee Supports

The name "Solid Waste Collection and Disposal Fee" may understandably lead someone to believe that "collection and disposal" simply means picking up a household's garbage and dumping that same garbage at a landfill.

Cherokee County's solid waste system is considerably broader.

Under the County ordinance, revenue from the fee is restricted to solid waste purposes and placed in a separate fund. It may be used for the collection, transfer, recycling and disposal of solid waste; machinery and equipment; solid waste facilities; administration of the program and fee; education; litter-related activities; and other costs necessary to provide for the proper disposal of solid waste in Cherokee County.

Approximately half of the fee supports the County's broader solid waste disposal operations rather than residential curbside collection. These responsibilities include recycling operations and disposal, construction and demolition landfill operations, required post-closure care of the County's former municipal solid waste landfill, convenience-center operations, equipment, facilities and other solid waste responsibilities that protect public health and the environment.

These operations provide public benefits even to residents who choose not to place a County roll cart at the curb. The County must maintain lawful disposal options, address discarded materials, manage landfill obligations and provide a system capable of handling the community's solid waste.

The Attorney General's opinion quotes these broader authorized uses from the County ordinance. Its ultimate benefit analysis, however, focuses principally on the house-by-house nature of residential "trash removal." Cherokee County Council and its legal counsel must now determine how that analysis should be applied to a single fee that supports both individual curbside collection and broader disposal operations serving the community.

What Happens After Household Garbage Is Collected

Cherokee County's collection operation does not end when a garbage truck empties a residential cart.

Household garbage is classified as municipal solid waste, commonly called MSW. Cherokee County does not operate an active MSW landfill and is not permitted to dispose of household garbage at its construction and demolition landfill.

County collection crews operate established residential routes and transport collected MSW to the County-owned transfer station. The transfer station is operated by a third party to reduce the County's direct operating burden. At the transfer station, household garbage is consolidated into much larger loads and transported by tractor-trailer to an authorized MSW landfill nearly an hour away.

This process requires:

- Residential collection routes and employees;
- Garbage trucks, fuel, maintenance and replacement equipment;
- A permitted transfer station;
- Loading and consolidation of waste;
- Third-party transfer-station operations;
- Long-distance tractor-trailer transportation; and
- Disposal charges at an authorized MSW landfill.

Therefore, the system is not simply a matter of collecting garbage and placing it in a nearby County landfill. It is an interconnected collection, transfer, transportation and disposal operation governed by environmental and regulatory requirements.

How Cherokee County Compares With Other Counties

Cherokee County is not alone in using fees or dedicated property-tax millage to support solid waste and landfill operations.

The South Carolina Association of Counties' 2025 Property Tax Rates by County report identifies approximately half of the state's counties as having a solid waste fee, landfill fee, solid waste disposal fee, solid waste user fee or dedicated solid waste millage.

Counties identified in the report as imposing direct county-level solid waste or landfill fees include Abbeville, Anderson, Bamberg, Berkeley, Charleston, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Florence, Georgetown, Kershaw, Laurens, McCormick, Richland, Spartanburg, Sumter and Williamsburg. Additional counties, including Aiken, Chester, Greenville, Horry, Lexington, Orangeburg and York, identify dedicated solid waste millage or similar property-tax funding.

The amounts, service areas and programs differ from county to county. Some charges support landfill availability, transfer stations, convenience centers, recycling or disposal operations without providing countywide curbside collection.

Cherokee County's program is different primarily because the County also provides countywide residential curbside collection. The \$222 annual fee was structured to support both that collection service and the broader disposal system required to manage solid waste throughout Cherokee County.

Temporary Opt Out for This Tax Year

For this tax year only, an eligible residential property owner may voluntarily opt out of County solid waste collection and request removal of the entire Solid Waste Collection and Disposal Fee from the applicable property tax bill.

When property tax bills are issued later this fall, the property taxpayer will have until the tax-bill due date of January 15, 2027, to complete the required process.

Under the temporary policy approved by Council:

- The property taxpayer must appear in person at the Cherokee County Auditor's Office;
- A completed voluntary opt-out form must be submitted by January 15, 2027;
- The property will no longer be eligible for County residential collection;
- The County-issued roll cart must be surrendered or collected; and
- The full Solid Waste Collection and Disposal Fee will be removed from the applicable bill.

The complete temporary policy and voluntary opt-out form will be published by the County during the coming week. Residents should review the final policy before visiting the Auditor's Office.

An opt-out is a decision to discontinue County collection service. Simply choosing not to place a County roll cart at the road does not constitute an opt-out.

Issues Council Must Still Address

Allowing the full fee to be removed creates an unresolved issue because an opt-out property may continue to benefit from or use portions of the County's broader solid waste disposal system.

For example, the County must determine how to administer access to convenience centers, recycling services, the construction and demolition landfill and other disposal programs when a property owner has opted out of the entire fee. Approximately half of the fee supports these broader operations, but the temporary action removes the fee in full.

Council must also consider:

- Whether a combined collection and disposal fee remains the appropriate long-term structure;
- Whether collection and disposal should be funded separately;
- Whether county-operated residential collection can remain financially sustainable when participation is voluntary;
- How remaining program costs would be distributed among participating residents;
- How service eligibility and disposal-facility access could be administered and enforced;
- Whether countywide collection should continue after June 30, 2027; and
- Whether broader solid waste operations should instead be funded through property taxes or another legally authorized method.

These are significant policy and financial decisions. Council's temporary action provides time to examine them before establishing the County's long-term direction.

Effects on Solid Waste Modernization

Cherokee County has been working to improve its solid waste collection operation through better equipment, centralized customer service, route organization, service standards and more efficient management.

The temporary opt-out process creates an additional administrative and operational workload. County staff will have to process opt-out information, update routes, identify individual ineligible properties, retrieve County carts and communicate frequent service changes to collection crews.

Because Council will reconsider the future of the collection operation in January, some planned modernization efforts may need to be delayed until the County receives final policy direction. It would not be fiscally responsible to make significant system changes without knowing whether the current countywide collection model will continue.

We ask residents to be patient with employees in the Auditor's Office and Public Works Department as they establish and administer this temporary process. County employees did not create the legal

uncertainty and will be responsible for implementing Council's decision while continuing daily operations.

Moving Forward

Council's action does not represent a final decision regarding the future of residential collection. It is a temporary response for the current tax year that recognizes the Attorney General's opinion while allowing the County time to evaluate the full legal, financial, operational and public-service implications.

Cherokee County remains committed to providing residents with accurate information as this process moves forward. The County will publish the final temporary opt-out policy, required form and instructions during the coming week. Council will formally reconsider the future of county-operated residential collection in January 2027.