

1980 WL 120623 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 23, 1980

*1 Mr. Douglas J. Fabel
208 Planning Section
Programs Development Division
Bureau of Wastewater & Stream Quality Control
Sims-Aycock Buildings
2600 Bull Street
Columbia, South Carolina 29201

Dear Mr. Fabel:

You have requested an opinion as to whether the Clemson University Cooperative Extension Service possesses the necessary legal authority to carry its assigned responsibilities in the Water Quality Management Plan developed by DHEC for the purpose of controlling nonpoint source water pollution in South Carolina, as required by Public Law 95-217. Those responsibilities would be 'to assist the South Carolina Land Resources Conservation Commission and the South Carolina State Commission of Forestry in implementing through an educational program, statewide management strategies to control or abate nonpoint source pollution resulting from agricultural, construction and silvicultural activities.'

In accordance with [§ 46-7-60](#), Code of Laws, South Carolina, 1976, as amended:

The assent of this State was given on March 15, 1929 to the provisions and requirements of an act of the Congress of the United States entitled 'An Act to Provide for the Further Development of Agricultural Extension Work Between the Agricultural Colleges in the Several States Receiving the Benefits of the act entitled 'An Act Donating Public Lands to the Several States and Territories which may provide Colleges for the Benefit of Agriculture and the Mechanic Arts,' Approved July 2, 1862, and all Acts Supplementary Thereto, and the United States Department of Agriculture,' approved by the President May 22, 1928.

Supplementary acts to the Act of July 2, 1862 (12 Stat. 503-505, as amended; [7 U.S.C. 301-305, 307, 308](#)), are [7 U.S.C. 341](#) 'Smith-Lever Act' and [16 U.S.C. 16-70](#) 'Renewable Resources Extension Act of 1978' which grant the state cooperative extension service the authority to conduct educational programs in the areas related to forestry and agriculture in cooperation with the United States Department of Agriculture.

Based on the above broad grant of power, it is the opinion of this Office that the Clemson University Cooperative Extension Service possesses the necessary authority to carry out its assigned responsibilities in the plan.

Very truly yours,

C. Havird Jones, Jr.
Assistant Attorney General

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