

1979 WL 42787 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 31, 1979

**\*1 Re: DHEC Administration of Wastewater Construction Grants Program**

John E. Jenkins, P.E.  
Deputy Commissioner  
Environmental Quality Control  
2600 Bull Street  
Columbia, South Carolina 29201

Dear Mr. Jenkins:

By your memorandum of January 24, 1979, you requested an opinion from this Office concerning the Department's statutory authority to assume administration responsibilities for the Federal construction grant program of Public Law 92-500. In light of this request, I direct your attention to the S. C. Pollution Control Act, [Section 48-1-50\(12\)](#), [South Carolina Code of Laws](#), 1976, which specifically addresses this matter.

This particular subsection of the S.C. Pollution Control Act authorizes DHEC, on behalf of the State, to 'Accept, receive and administer grants or other funds or gifts for the purpose of carrying out any of the purposes of this chapter; accept, receive and receipt for Federal money given by the Federal government under any Federal law to the state of South Carolina for air or water control activities, surveys or programs.'

Clearly, this provision sanctions the delegation of EAP's construction grants administration duties to DHEC.

Further, [Section 48-1-50\(15\)](#), bestows upon the Department the statutory prerogative to approve Federal Water Pollution Control Act grant and loan application projects.

Finally, subsection (17), in somewhat broad language, authorizes the Department to '[t]ake all action necessary or appropriate to secure to this State the benefits of the Federal Water Pollution Control Act . . . and any and all other Federal and State acts concerning air and water pollution control.' Thereby the State Legislature has endorsed any DHEC action aimed at obtaining for the State all possible rights which federal law may provide.

In conclusion, with special attention to subsection (12), it is evident that DHEC has sufficient statutory authorization enabling it to assume from EPA the delegation of Federal construction grant program administration duties.

I hope this information is helpful to you. If I may be of further assistance, please contact me.

Very truly yours,

Richard P. Wilson  
Assistant Attorney General

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