

1979 WL 43551 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 29, 1979

***1 Re: Rural Water and Sewer Grants Act of 1975 ([Section 6-19-10 et seq. of the 1976 Code](#))**

Foster Coleman, P.E.
Division of Water Supply
S.C. Department of Health and Environmental Control
2600 Bull Street
Columbia, S.C. 29201

Dear Mr. Coleman:

Thank you for your resent letter in which you requested an opinion of this Office regarding the eligibility of the Spartanburg Commission of Public Works for funding under the State Rural Water and Sewer Grants Act of 1975 ([§ 6-19-10 et seq.](#) of the 1976 Code of Laws of South Carolina). Specifically, you have inquired whether the Spartanburg Commission of Public Works (hereafter the Commission) can qualify under Section One of the Act which states in pertinent part:

The State may make grants in aid in the financing of any . . . municipal water or sewer system in any city, town or village of less than one thousand five hundred population . . . [§ 6-19-10](#).

The Spartanburg Commission of Public Works is an arm of the City of Spartanburg, having been created under a different name in 1907 pursuant to the provisions of Act No. 39 of 1896. See [City of Spartanburg v. Blalock, 223 S.C. 352, 75 S.E. 2d 361 \(1953\)](#). Furthermore, the population of the City of Spartanburg is in excess of one thousand five hundred persons. Therefore, it is manifestly certain that the Spartanburg Commission of Public Works does not qualify for funding under [§ 6-19-10](#).

However, as you note in your letter, it does nonetheless appear that funds could be made available under the Act to the areas of concern through the creation of rural water authorities or districts, or as otherwise provided in [§ 6-19-10](#). Although less attractive, it does appear necessary under the Act to qualify any such project through an eligible entity since cities of this size are expressly excluded from the program.

Therefore, it is the opinion of this Office that the Spartanburg Commission of Public Works does not qualify as an eligible grantee for funding under the State Rural Water and Sewer Grants Act of 1975.

I trust the preceding discussion adequately answers your question, however, if any further explanation is required or if I may be of any further assistance, please do not hesitate to contact me.

Very truly yours,

Richard P. Wilson
Assistant Attorney General

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