

1973 WL 26885 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 17, 1973

\*1 Honorable Clair P. Guess, Jr.  
Executive Director  
South Carolina Water Resources Commission  
2414 Rull Street  
Columbia, South Carolina 29201

Dear Mr. Guess:

Thank you for your letter of August 1, 1973, inquiring as to the legal status of membership by the Department of Health and Environmental Control upon the Water Resources Commission.

Heretofore, by the provisions of Section 70-22, the head of the Pollution Control Authority, or his designee, served as an ex officio member of the Water Resources Commission. Other named agencies similarly served in an ex officio capacity upon the Water Resources Commission. The term 'head of each department is not defined by the statute but, in practice, the various agencies entitled to sit ex officio were represented on the Water Resources Commission by the chief administrative officer of the various agencies named in the statute. Thus, the Pollution Control Authority was represented on the Water Resources Commission by Dr. Hubert Webb, its Executive Director; the Wildlife Resources Commission was represented by James J. Webb, its Executive Director; the State Forestry Commission was represented by the State Forester, John F. Tiller; etc.

The Act of 1973 creating the Department of Health and Environmental Control designates the chief administrative officer as the Commissioner of Health and Environmental Control. At the same time, the Department of Health and Environmental Control is under the supervision of the Board of Health and Environmental Control.

It is my opinion that the head of the Department of Health and Environmental Control is ultimately the Board of Health and Environmental Control and the latter Board may designate its Commissioner or any other officer to serve ex officio upon the Water Resources Commission.

Very truly yours,

Daniel R. McLeod  
Attorney General

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