CHAPTER 6

Savannah River Maritime Commission

**SECTION 54‑6‑10.** Savannah River Maritime Commission; membership; period of existence

 (A) In addition to the above provisions of this joint resolution, a commission to be known as the Savannah River Maritime Commission is hereby established to represent this State in all matters pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean‑going container or commerce vessels. The commission as an instrumentality of this State is empowered to negotiate on behalf of the State of South Carolina and enter into agreements with the State of Georgia, the United States Army Corps of Engineers, and other involved parties in regard to the above which bind the State of South Carolina; provided, however, that any such agreements which require state funding are subject to the funding being provided by the General Assembly in a general or supplemental appropriations act or in a bond bill.

 (B) The commission shall be composed of twelve members as follows:

 (1) the Governor or his designee;

 (2) the Speaker of the House of Representatives or his designee;

 (3) the President Pro Tempore of the Senate or his designee;

 (4) the Attorney General of South Carolina or his designee;

 (5) the Chairman of the Board of Health and Environmental Control to serve ex officio or his designee;

 (6) the Chairman of the Board of Natural Resources to serve ex officio or his designee;

 (7) the Chairman of the State Ports Authority to serve ex officio or his designee;

 (8) the Chairman of the Senate Finance Committee or his designee;

 (9) the Chairman of the Senate Transportation Committee or his designee;

 (10) the Chairman of the House Ways and Means Committee or his designee;

 (11) the Chairman of the House Education and Public Works Committee or his designee; and

 (12) one resident of Jasper County appointed by the Jasper County Council to serve at the pleasure of the council.

 The Governor or his designee shall serve as chairman of the commission.

 (C) Any state, county, or municipal officeholder named or designated to serve on the commission shall serve ex officio. Notwithstanding Section 8‑13‑770 of the 1976 Code, members of the General Assembly may be appointed to serve on this commission as the designee of an appointing official.

 (D) Professional and clerical services for the commission must be provided by the staff of the Attorney General’s office and supplemented by the staffs of other public officials serving on the commission as required by the commission.

 (E) Members serving on the commission shall receive such mileage, subsistence, and per diem as is provided by law for members of state boards, commissions, and committees when engaged in the exercise of their duties as members of the commission to be paid from their approved accounts or the approved accounts of their appointing authority.

 (F) Except as provided below, nothing in this section shall supersede the authority of other state agencies, departments, or instrumentalities including the Department of Natural Resources, the Department of Health and Environmental Control, or the State Ports Authority to exercise all powers, duties, and functions within their responsibilities as provided by law. However, on an interstate basis and specifically in regard to the State of Georgia, the responsibilities granted to the Savannah River Maritime Commission in this joint resolution supersede any other concurrent responsibilities of a particular state agency or department. Any requirements for permitting and constructing new terminal facilities on the Savannah River in Jasper County are declared not to be the responsibility of this commission, except as they may relate to this state’s responsibility for the navigability or depth of the South Carolina portion of the Savannah River.

 (G) The Savannah River Maritime Commission established herein shall exist for a period of twenty‑five years after the effective date of this joint resolution and may be continued for additional periods as provided by the General Assembly by law.

HISTORY: 2007 Act No. 56, Section 6, eff May 1, 2007.

Code Commissioner’s Note

This chapter and section were codified at the direction of the Code Commissioner.

Attorney General’s Opinions

The Department of Health and Environmental Control’s action on the matter of issuance or denial of a water quality certification under section 401 of the Clean Water Act for the Savannah Harbor Expansion Project need not be consistent with the position of the Savannah River Maritime Commission. S.C. Op.Atty.Gen. (Oct. 25, 2010) 2010 WL 4391637.

The Savannah River Maritime Commission has the right to provide comments on the Savannah Harbor Expansion Project, however, section 54‑6‑10 provides no authority for the commission to restrict the federal right of another to file comments on the Environmental Impact Statement or to require any party to route comments through the Commission. S.C. Op.Atty.Gen. (Oct. 25, 2010) 2010 WL 4391637.

Notes of Decisions

In general 1

1. In general

South Carolina Department of Health and Environmental Control’s (DHEC) negotiation of an agreement with the U.S. Savannah Riverkeeper v. South Carolina Dept. of Health and Environmental Control (S.C. 2012) 400 S.C. 196, 733 S.E.2d 903. Environmental Law 136

South Carolina Department of Health and Environmental Control (DHEC) usurped the authority of the Savannah River Maritime Commission in violation of statute governing Commission when it negotiated an agreement with the U.S. Army Corps of Engineers and the Georgia Ports Authority (GPA) for dredging of river before issuing a 401 Water Quality Certification requested for the proposed Savannah Harbor Expansion Project (SHEP); the plain language of the statute gave the Commission the authority to represent the State in all matters pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the river as a waterway for ocean‑going container or commerce vessels. Savannah Riverkeeper v. South Carolina Dept. of Health and Environmental Control (S.C. 2012) 400 S.C. 196, 733 S.E.2d 903. Environmental Law 136