**South Carolina General Assembly**

119th Session, 2011-2012

**A125, R133, H4627**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Merrill, Stavrinakis, Harrison, King, Knight, Williams, Jefferson, Johnson, Sabb, Munnerlyn, Anderson, G.A. Brown, Allison, Horne, Agnew, Gambrell, McCoy, Ryan, Mack, Gilliard, Sottile, Hardwick, Hearn, Weeks, Simrill, Pope, Delleney, Dillard, Sandifer, Erickson, Herbkersman, Brantley, Crosby, Daning, Brady, Quinn, Spires, Frye, Pitts, Southard, Butler Garrick, Pinson, Tallon, Long, Parker, Hodges, Whitmire, Anthony, Bannister, Putnam, Edge, Allen, Thayer, Funderburk, Lucas, Cobb‑Hunter, Howard, Harrell, Bowers, Patrick, Whipper, Bowen, White, Murphy and R.L. Brown

Document Path: l:\council\bills\nbd\12016ac12.docx

Companion/Similar bill(s): 1115

Introduced in the House on January 18, 2012

Introduced in the Senate on January 26, 2012

Last Amended on February 1, 2012

Passed by the General Assembly on February 7, 2012

Governor's Action: February 27, 2012, Vetoed

Legislative veto action(s): Veto overridden

Summary: Issues pertaining to the Savannah River

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/18/2012 House Introduced, read first time, placed on calendar without reference ([House Journal‑page 8](file:///h%3A%5Chj%20archive%5C2012%5C01-18-12.docx))

 1/19/2012 House Member(s) request name added as sponsor: King, Knight, Williams, Jefferson, Johnson, Sabb, Munnerlyn, Anderson, G.A.Brown, Allison, Horne, Agnew, Gambrell, McCoy, Ryan, Mack, Gilliard, Sottile, Hardwick, Hearn, Weeks, Simrill, Pope, Delleney, Dillard, Sandifer, Erickson, Herbkersman, Brantley, Crosby, Daning, Brady, Quinn, Spires, Frye, Pitts, Bowers, Southard, Butler Garrick, Pinson, Tallon, Long, Parker, Hodges, Whitmire, Anthony, Bannister, Putnam, Edge, Allen, Thayer, Funderburk, Lucas, Cobb‑Hunter, Howard, Harrell ([House Journal‑page 13](file:///h%3A%5Chj%20archive%5C2012%5C01-19-12.docx))

 1/24/2012 House Debate adjourned until Wed., 01‑25‑12 ([House Journal‑page 23](file:///h%3A%5Chj%20archive%5C2012%5C01-24-12.docx))

 1/24/2012 House Member(s) request name added as sponsor: Patrick ([House Journal‑page 21](file:///h%3A%5Chj%20archive%5C2012%5C01-24-12.docx))

 1/25/2012 House Amended ([House Journal‑page 15](file:///h%3A%5Chj%20archive%5C2012%5C01-25-12.docx))

 1/25/2012 House Debate interrupted ([House Journal‑page 15](file:///h%3A%5Chj%20archive%5C2012%5C01-25-12.docx))

 1/25/2012 House Read second time ([House Journal‑page 20](file:///h%3A%5Chj%20archive%5C2012%5C01-25-12.docx))

 1/25/2012 House Roll call Yeas‑111 Nays‑0 ([House Journal‑page 21](file:///h%3A%5Chj%20archive%5C2012%5C01-25-12.docx))

 1/25/2012 House Member(s) request name added as sponsor: Whipper, Bowen, White, Murphy, R.L.Brown

 1/26/2012 House Read third time and sent to Senate ([House Journal‑page 11](file:///h%3A%5Chj%20archive%5C2012%5C01-26-12.docx))

 1/26/2012 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h%3A%5Csj%20archive%5C2012%5C01-26-12.docx))

 1/26/2012 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 4](file:///h%3A%5Csj%20archive%5C2012%5C01-26-12.docx))

 1/31/2012 Senate Recalled from Committee on **Medical Affairs** ([Senate Journal‑page 5](file:///h%3A%5Csj%20archive%5C2012%5C01-31-12.docx))

 1/31/2012 Senate Read second time ([Senate Journal‑page 5](file:///h%3A%5Csj%20archive%5C2012%5C01-31-12.docx))

 1/31/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 5](file:///h%3A%5Csj%20archive%5C2012%5C01-31-12.docx))

 2/1/2012 Senate Amended ([Senate Journal‑page 27](file:///h%3A%5Csj%20archive%5C2012%5C02-01-12.docx))

 2/1/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 27](file:///h%3A%5Csj%20archive%5C2012%5C02-01-12.docx))

 2/1/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 27](file:///h%3A%5Csj%20archive%5C2012%5C02-01-12.docx))

 2/2/2012 Scrivener's error corrected

 2/7/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 35](file:///h%3A%5Chj%20archive%5C2012%5C02-07-12.docx))

 2/7/2012 House Roll call Yeas‑105 Nays‑0 ([House Journal‑page 36](file:///h%3A%5Chj%20archive%5C2012%5C02-07-12.docx))

 2/21/2012 Ratified R 133

 2/27/2012 Vetoed by Governor

 2/28/2012 House Veto overridden by originating body Yeas‑111 Nays‑1 ([House Journal‑page 16](file:///h%3A%5Chj%20archive%5C2012%5C02-28-12.docx))

 2/29/2012 Senate Debate interrupted ([Senate Journal‑page 22](file:///h%3A%5Csj%20archive%5C2012%5C02-29-12.docx))

 3/1/2012 Senate Veto overridden Ayes‑39 Nays‑0 ([Senate Journal‑page 31](file:///h%3A%5Csj%20archive%5C2012%5C03-01-12.docx))

 3/13/2012 Effective date 03/01/12

 3/15/2012 Act No. 125

**VERSIONS OF THIS BILL**

[1/18/2012](file:///p%3A%5Cpprever%5C2011-12%5C4627_20120118.docx)

[1/18/2012-A](file:///p%3A%5Cpprever%5C2011-12%5C4627_20120118A.docx)

[1/25/2012](file:///p%3A%5Cpprever%5C2011-12%5C4627_20120125.docx)

[1/31/2012](file:///p%3A%5Cpprever%5C2011-12%5C4627_20120131.docx)

[2/1/2012](file:///p%3A%5Cpprever%5C2011-12%5C4627_20120201.docx)

[2/2/2012](file:///p%3A%5Cpprever%5C2011-12%5C4627_20120202.docx)

(A125, R133, H4627)

**A JOINT RESOLUTION TO SUSPEND THE AUTHORITY OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR ALL DECISIONS SUBSEQUENT TO 2007 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, IN PARTICULAR THE APPROVAL BY THE DEPARTMENT OF THE APPLICATION FOR THE CONSTRUCTION IN NAVIGABLE WATERS PERMIT FOR DREDGING OF THE SOUTH CAROLINA PORTION OF THE SAVANNAH RIVER, BECAUSE THE AUTHORITY TO ISSUE SUCH A PERMIT HAD BEEN GRANTED TO THE SAVANNAH RIVER MARITIME COMMISSION BY ACT 56 OF 2007 AND THE ACTIVITIES AUTHORIZED BY THIS PERMIT COULD PRESENT IMMINENT AND IRREVERSIBLE PUBLIC HEALTH AND ENVIRONMENTAL CONCERNS; AND TO PROVIDE THAT THE DEPARTMENT RETAINS AUTHORITY OVER OTHER MATTERS PERTAINING TO THE SAVANNAH RIVER.**

Whereas, the South Carolina Department of Health and Environmental Control, hereinafter the department, was granted the authority to maintain reasonable standards of purity of air and water quality by enactment of the South Carolina Pollution Control Act; and

Whereas, the Savannah River Maritime Commission, hereinafter the Maritime Commission, by enactment of Act 56 in 2007, effective May 1, 2007, was granted the authority 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; and

Whereas, the General Assembly granted to the Maritime Commission by statute the oversight and permitting responsibilities for the State as to the navigability or depth of the South Carolina portion of the Savannah River, superseding any other concurrent responsibilities of a particular state agency or department; and

Whereas, by enactment of Act 56 in 2007, the General Assembly also bifurcated the permitting process for construction in the South Carolina portion of the Savannah River, such that all matters pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues, including navigable waters permitting criteria, in regard to the use of the Savannah River as a waterway for ocean‑going container or commerce vessels fell within the purview of the Maritime Commission; and

Whereas, the South Carolina General Assembly has learned that, contrary to its legislative enactment of 2007, the authority of the Maritime Commission was unlawfully usurped by the department in its approval of an application from the Savannah District Office of the United States Corps of Engineers for Water Quality Certification pursuant to Section 401 of the Clean Water Act and Construction in Navigable Waters Permit to dredge a portion of the Savannah River in South Carolina as part of the Savannah River Expansion Project; and

Whereas, the South Carolina General Assembly has learned that the approval of the above‑referenced application could present imminent and irreversible public health and environmental concerns; and

Whereas, Section 7, Article I of the South Carolina Constitution provides that the power to suspend the laws shall be exercised only by the General Assembly. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

**Department of Health and Environmental Control authority over certain Savannah River matters suspended**

SECTION 1. The General Assembly, pursuant to Section 7, Article I of the South Carolina Constitution, suspends the authority of the South Carolina Department of Health and Environmental Control, hereinafter the department, for all decisions subsequent to 2007 related to 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, in particular the approval by the department of the application of the United States Army Corps of Engineers for a Construction in Navigable Waters Permit for the dredging of the South Carolina portion of the Savannah River, because the authority of the Savannah River Maritime Commission, hereinafter the Maritime Commission, superseded the responsibilities of the department for such approval, as established by Act 56 of 2007, and the approval by the department could present imminent and irreversible public health and environmental concerns for the South Carolina portion of the Savannah River. The Department of Health and Environmental Control retains authority for all matters pertaining to the Savannah River unrelated 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.

**Time effective**

SECTION 2. This joint resolution takes effect upon approval of the Governor.

Ratified the 21st day of February, 2012.

Vetoed by the Governor -- 2/27/2012.

Veto overridden by House -- 2/28/2012.

Veto overridden by Senate -- 3/1/2012.

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