



FACT SHEET: January 2003

Amendments to the South Carolina Water Withdrawal and Reporting Act

- As the effects of the recent 5-year drought have shown, our water supplies are limited and need to be properly managed so that surface water can be used to the fullest extent possible.
- There are currently two Acts regulating surface water withdrawals: the *South Carolina Surface Water Withdrawal and Reporting Act* and *Interbasin Transfer of Water*.
- The *Surface Water Withdrawal and Reporting Act* requires registration of persons withdrawing 3 million gallons or more per month and annual reporting of actual water use.
- The *Interbasin Transfer Act* requires any withdrawal and transfer of surface water to another basin over one million gallons or more in any day to be permitted.
- DHEC has no authority to regulate withdrawals of surface water that are not interbasin transfers. Therefore, there is no protection for existing users or minimum flows to protect water quality.
- In Region IV, Florida, Georgia, and Kentucky currently issue permits for surface water withdrawals. North Carolina has in place statutory authority to permit surface water withdrawals through their capacity use program.
- DHEC is therefore proposing to modify the existing *Surface Water Withdrawal and Reporting Act* to incorporate the existing *Interbasin Transfer Act* (IBT) so that all withdrawals of surface water over 3 million gallons per month would be permitted.
- Existing surface water users that do not have an IBT permit or registration will be “grandfathered” into the program. They will be issued a permit for at least their reported water use in 2002. Persons with a current IBT permit or registration will be evaluated upon request for renewal in accordance with the expiration date in their current permit or registration.

Please see other side for more facts.

- The proposed permitting criteria are the same criteria used currently to evaluate an IBT application. This makes good technical sense – the effects on a river losing water are the same if the water is transferred or consumed for other purposes.
- These permitting criteria are based on reasonable and beneficial use, establishes conservation of water as part of a permit, protects water quality of the losing surface water, protects existing agricultural, municipal, industrial, fish and wildlife, assimilative needs, etc. The only extra criterion for a transfer of water is consideration of impacts on water quality to the receiving river.
- This approach is consistent with current permitting of groundwater withdrawals over 3 million gallons per month in Capacity Use Areas.
- Without these changes, a water withdrawer could literally take all water out of a stream with no oversight. Only after such a large withdrawal impacted water quality, caused a fish kill, dried up a public water supply, etc. does the department have an ability to address the problem.

These amendments to the *Surface Water Withdrawal and Reporting Act* will provide a reasonable approach to managing the surface water resources of the state to the beneficial use of all South Carolinians.

For further information, contact Mr. David Baize of the Department's Bureau of Water at (803) 898-4272.