# Agenda

- Welcome Back
  - Myra Reece, Director, DHEC Environmental Affairs
- Stakeholder Introductions
- Water Demands and Future Demand Projections
  - Alex Pellett, Hydrologist, SC DNR
- Definition of the Problem – Maximizing Availability
  - Rob Devlin, Director, Water Monitoring, Assessment & Protection Division
- Facilitated Discussion
- Summary and Adjourn

# Surface Water Regulation Stakeholder Workgroup

**Purpose:** DHEC will convene and work with stakeholders to identify issues and work towards solutions to improve regulations and management of surface water in SC

# Work Group Members

| Sector | Count |
|---|---|
| Water Supply | 8 |
| Farming | 4 |
| Econ Development/Industry | 5 |
| Advocacy | 7 |
| Education | 8 |
| Power | 2 |
| Government | 5 |


South Carolina Department of Health and Environmental Control

# Defining the Problem

# Purpose

## How do we improve regulations and management of surface water in SC?

**To maximize resource availability**

**Promote sustainable use**

**Serve as a regulatory framework to support basin planning**

# Unintended Consequences

| Goal | Consequence |
| --- | --- |
| To maximize resource availability | Overallocation limits availability |
| Promote sustainable use | Flow standards do not apply to majority of permits and registrations |
| Serve as a regulatory framework to support basin planning | Basin planning activities and regulatory framework are not working together for effective implementation |

# Unintended Consequences

**Overallocation limits availability**

- Overallocation on paper
- Withdrawal Durations
- Different Needs and Requirements for Different Users

# Overallocation on Paper

- Existing withdrawer (as of January 1, 2011) permits based on capacity, not need
- Department has no authority to review or reduce existing (or new) permits
- Essentially no expiration

# Current Withdrawal Durations

## Existing Withdrawers

- **30** years with possible extension to **50** years

## New Withdrawers

- **20** years with possible extension to **50** years

## Agricultural Withdrawers

- **Does not expire**, but is nontransferable

# Regulatory Framework for Renewals

## Existing Withdrawers

- R61-119.I.1.a. for Existing Withdrawals:

*"...must be issued for the **quantity of water specified in the current permit** unless the Department demonstrates that the quantity above the maximum withdrawals during the permit term are not necessary to meet the permittee's future needs"*

- 192 Existing Withdrawers
- 362,444.5 mgm permitted
- 99% of permitted volume
- 95% of total permitted and registered volume
- **Next renewal, February 2043**
- **Furthest renewal, March 2054**

# Regulatory Framework for Renewals

## New Withdrawers

- R61-119.I.2.a. for New Withdrawers:

*"…must be **renewed for a quantity equal to the expired permit** unless the Department demonstrates that the quantity above maximum withdrawals during the permit term is not necessary to meet the permittee's future needs"*

- 8 New Withdrawers
- 2896.19 mgm permitted
- 1% of permitted volume
- 1% of total permitted and registered volume
- **Next renewal, May 2034**
- **Furthest renewal, November 2057**

# Regulatory Framework for Renewals

## Agricultural Withdrawers

- No language in the Regulation about renewal of Registrations

- 110 Registered Facilities

- 16628.25 mgm registered
- 4% of total permitted and registered volume

- Registered for the life of the person requesting the registration
- Cannot transfer to new owner

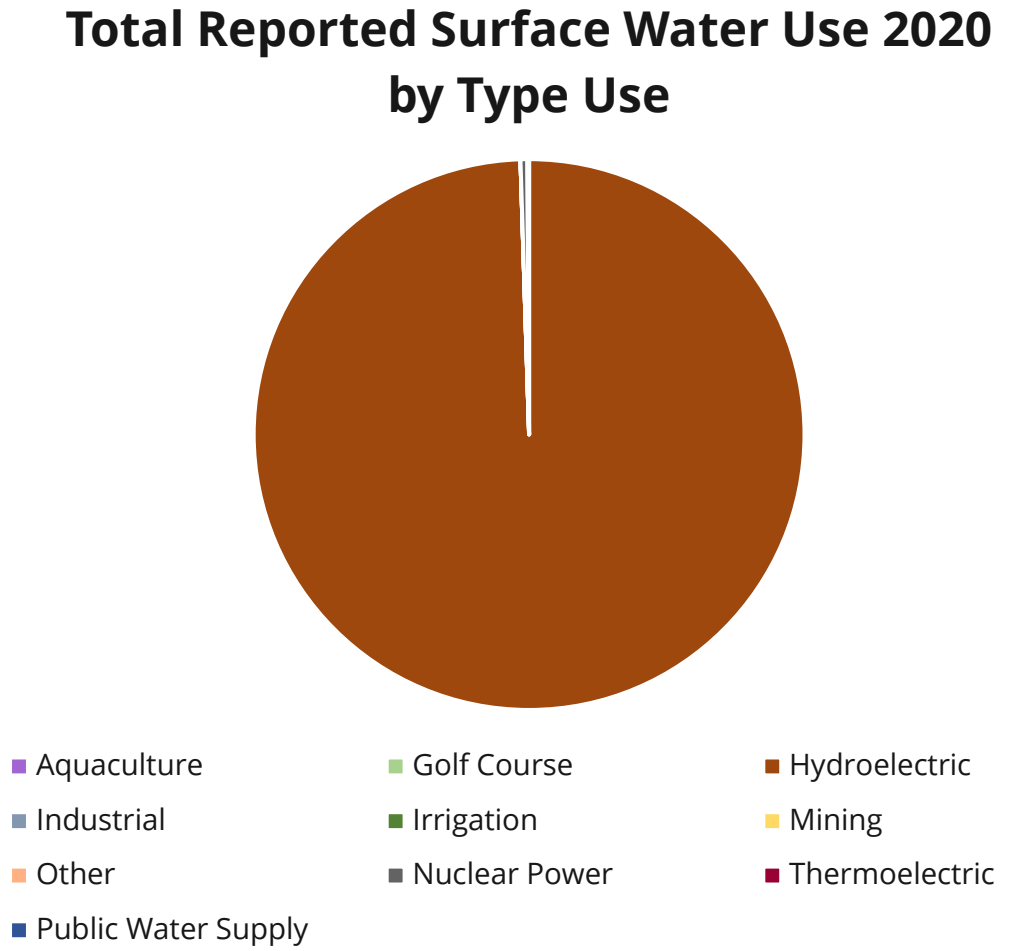
# Other Program Permit Durations

| Permitting Program | Permit Duration |
|---|---|
| SC Surface Water Permit (Existing) | 30-50 years |
| SC Capacity Use Area GW Permits | 5 years |
| SC NPDES Permits | 5 years |
| Georgia SW Permit | 10 years |
| Alabama SW Permit | 10 years (was originally 5 years) |
| Maryland SW Permit | 12 years |
| Mississippi SW Permit | 10 years |
| Tennessee SW Registration (no ag) | 1 year (annual renewal) |
| Virginia SW Permits | 15 years |

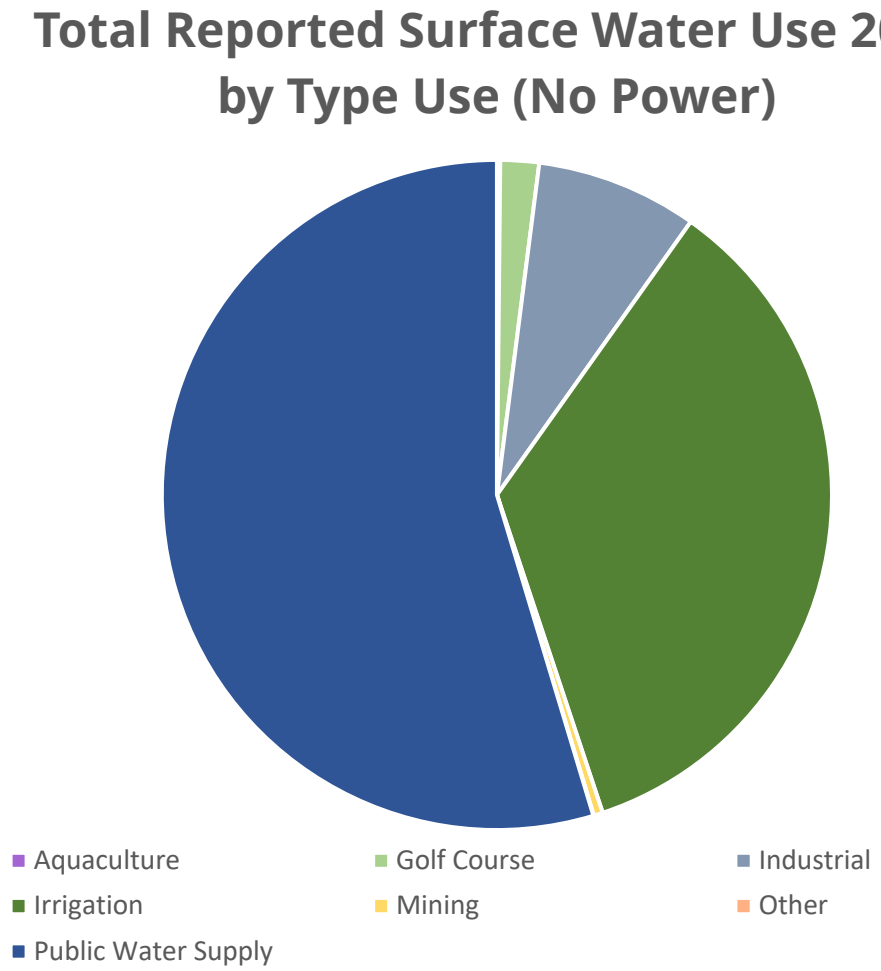
# Different Needs and Requirements for Different Users

- Irrigation – most use in summer months
- Industry/Municipalities - consistent throughout the year
- BMPs and Industry standards different between/within sectors
- Only know when use is highest and that demands will increase
- The “Do Nothing” Solution – leads to more compounding problems in the future

| Water Use Category | Surface Water (mgm) | Percentage |
|---|---|---|
| Aquaculture | 450.1 | 0.0% |
| Golf Course | 4,614.8 | 0.0% |
| Hydroelectric | 408,777,419.0 | 99.5% |
| Industrial | 91,764.5 | 0.0% |
| Irrigation | 8,717.0 | 0.0% |
| Mining | 1,068.1 | 0.0% |
| Other | 0.0 | 0.0% |
| Nuclear Power | 1,506,166.9 | 0.4% |
| Thermoelectric | 228,938.9 | 0.1% |
| Public Water Supply | 198,340.8 | 0.0% |
| Total | 410,817,480.0 | 100.0% |



| Water Use Category | Surface Water (mgm) | Percentage |
|---|---|---|
| Aquaculture | 450.1 | 0.1% |
| Golf Course | 4,614.8 | 1.5% |
| Industrial | 91,764.5 | 30.1% |
| Irrigation | 8,717.0 | 2.9% |
| Mining | 1,068.1 | 0.4% |
| Other | 0.0 | 0.0% |
| Public Water Supply | 198,340.8 | 65.0% |
| Total | 304,955.2 | 100.0% |

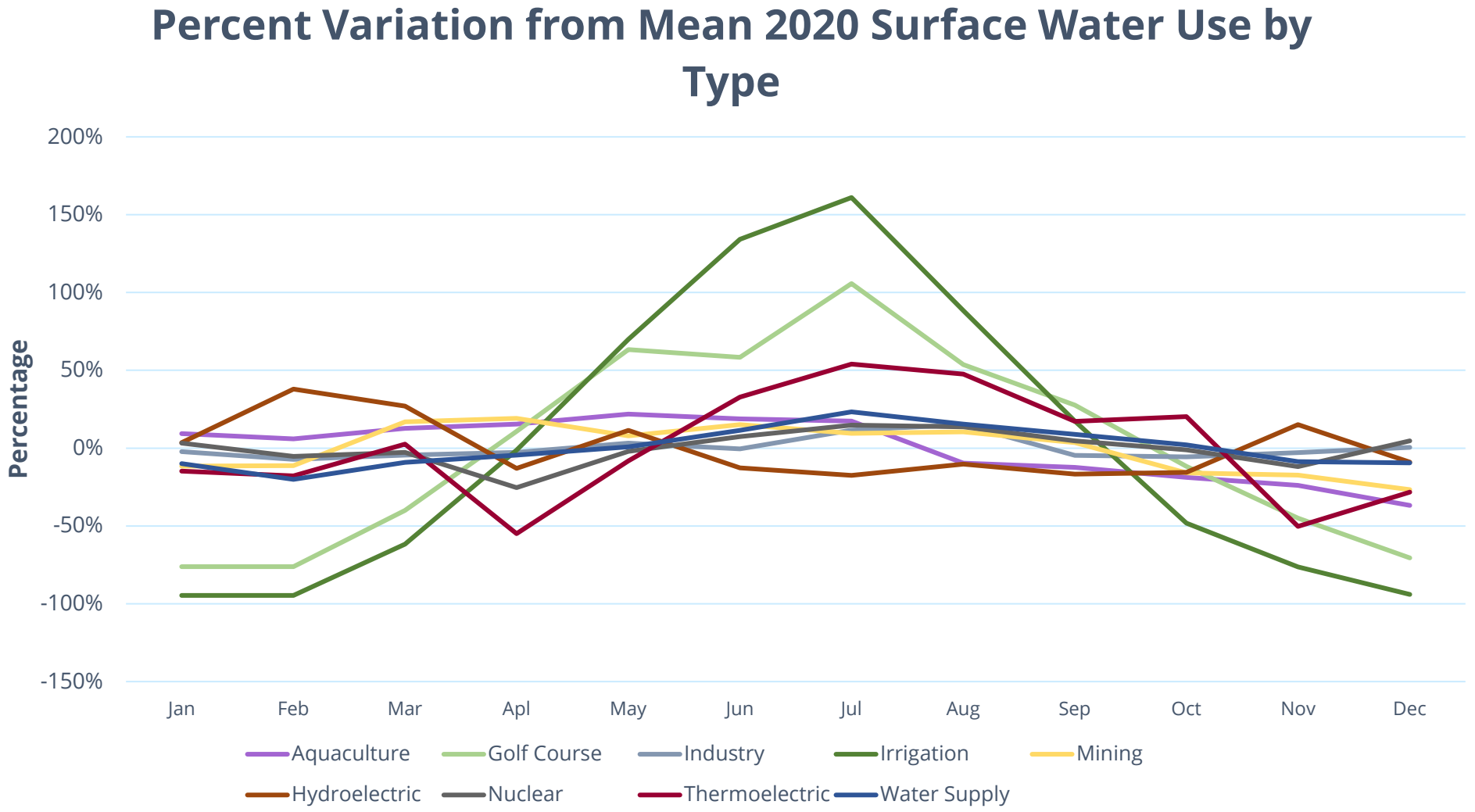


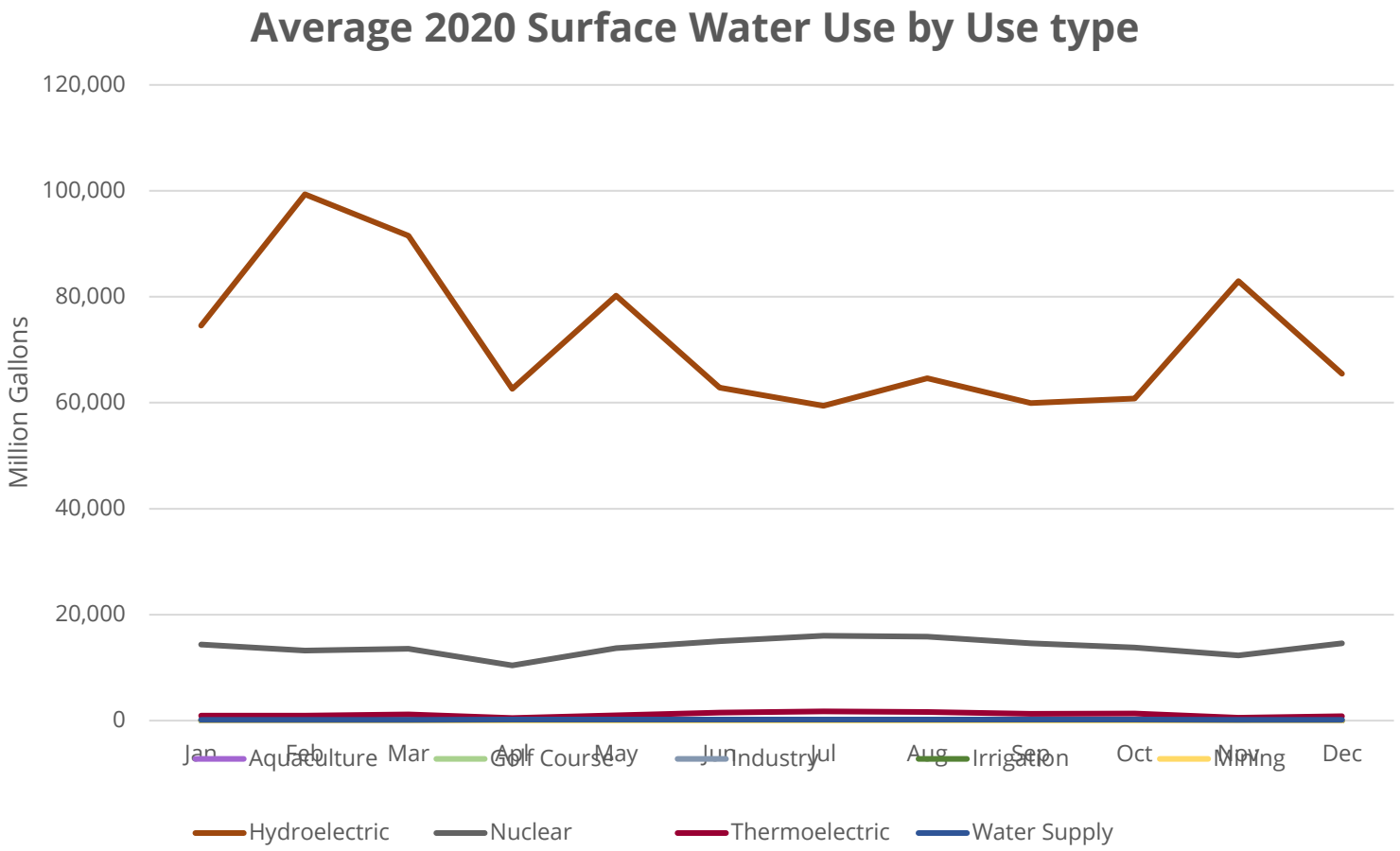
## Nonseasonal Usage

- Aquaculture
- Hydroelectric Power
- Industrial
- Mining
- Other
- Thermoelectric Power
- Water Supply

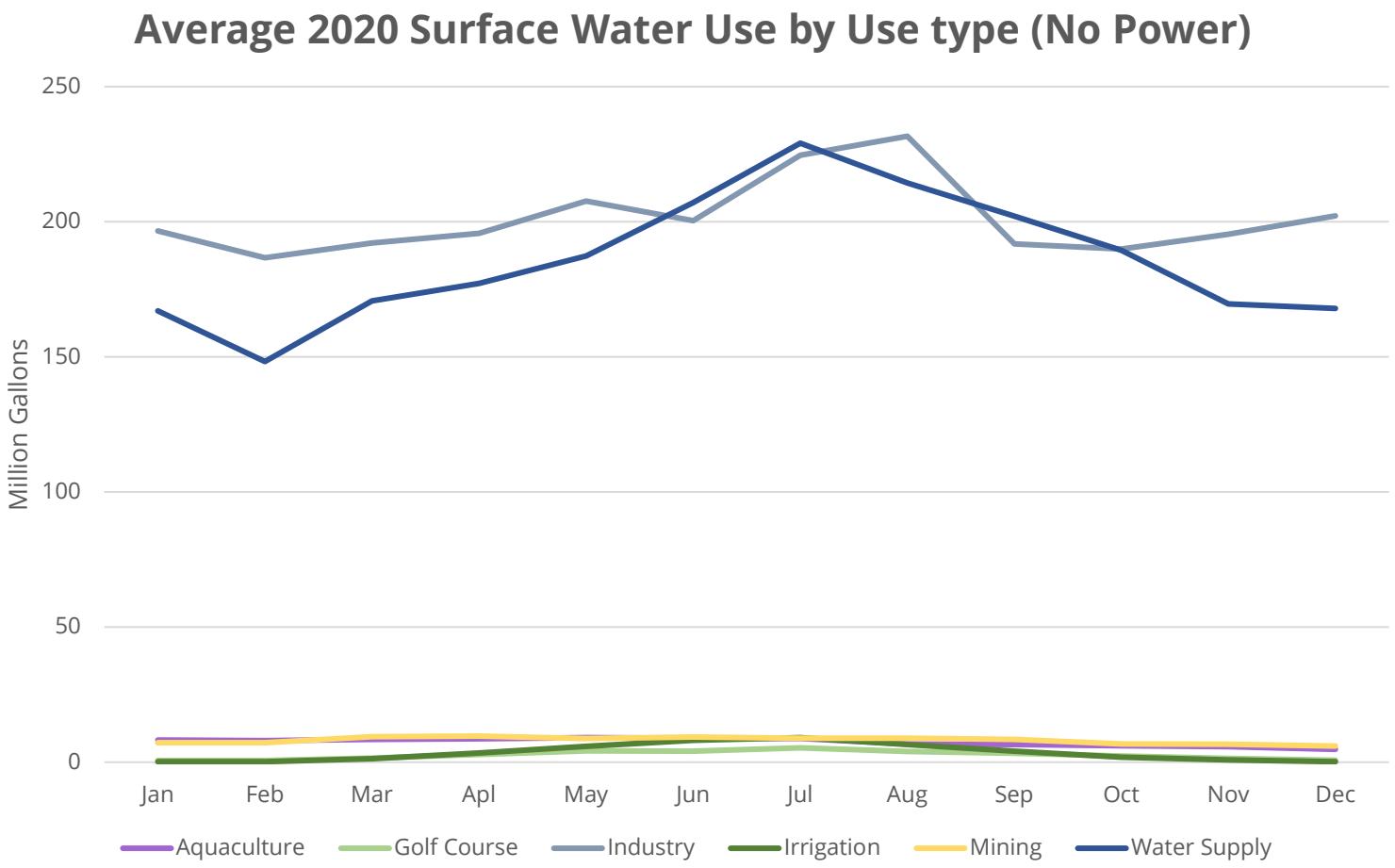
## Seasonal Usage

- Golf Courses
- Irrigation
- Nuclear Power






Added at the request of the Workgroup

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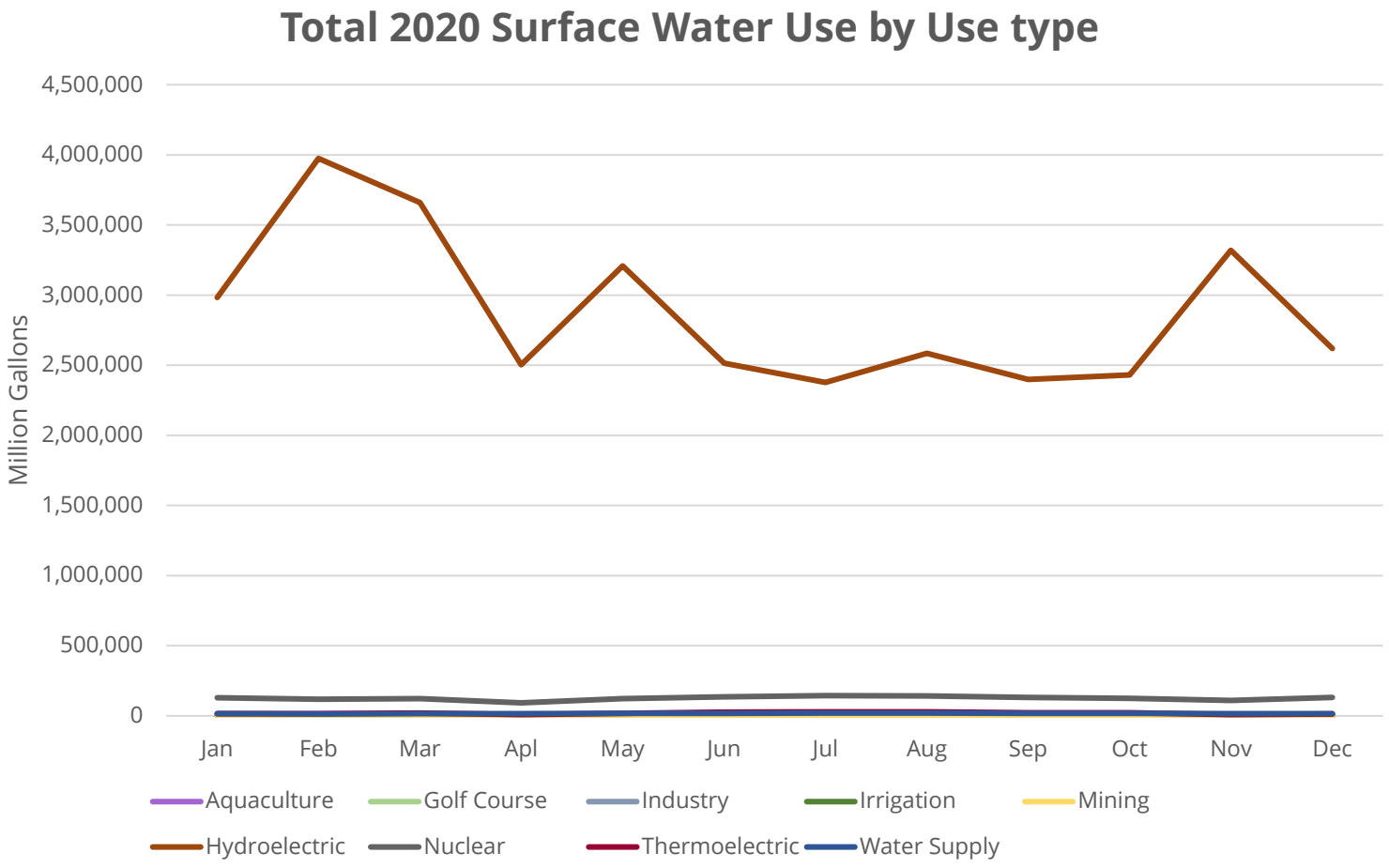


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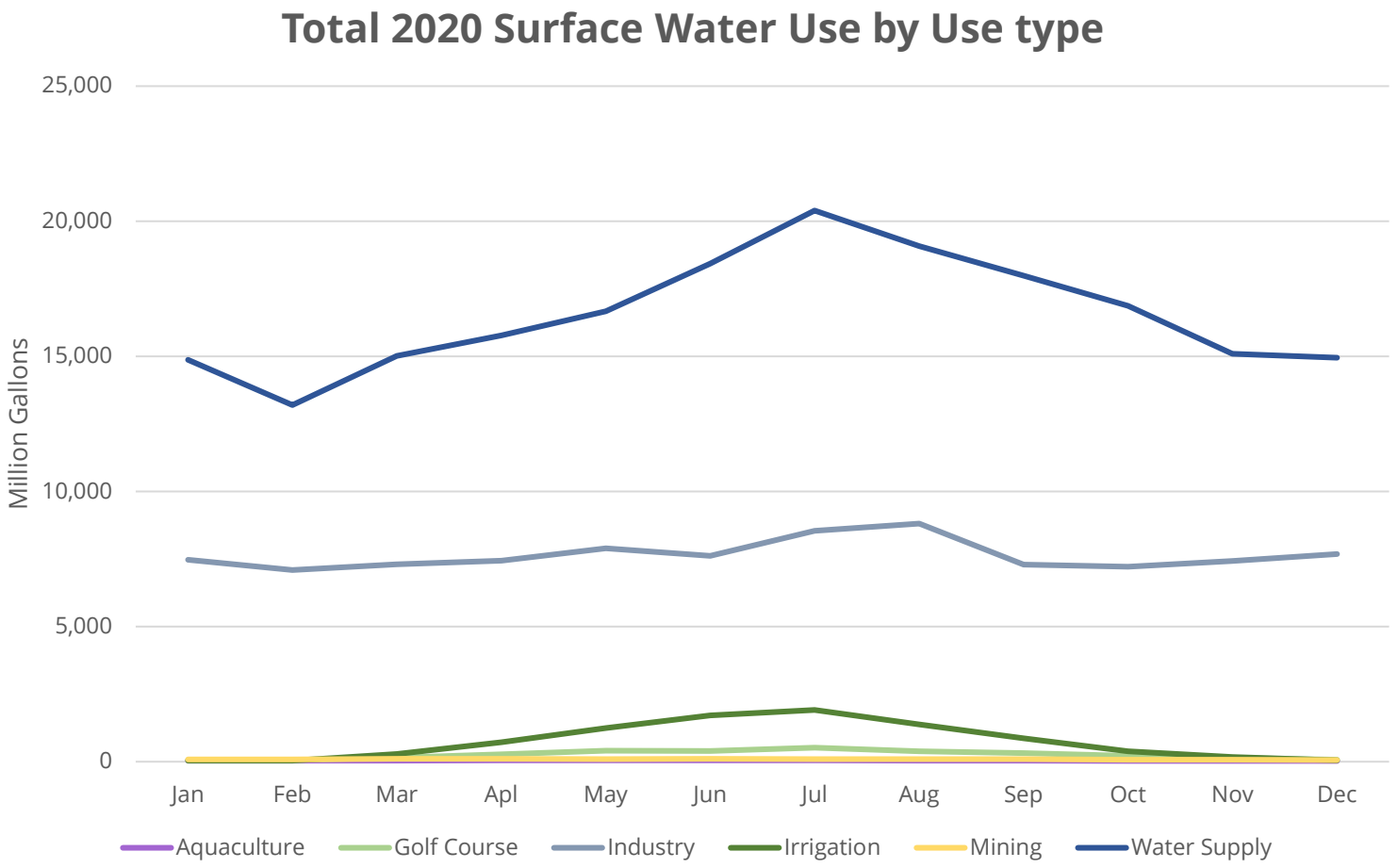


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# Guidelines for Group Discussion

- Participatory process: your voice is important to this process
  - Chat is available
  - Raising hands
  - *6 to unmute by phone

# Group Discussion

What is reasonable to protect and ensure availability of the resource to meet future demand?

- Relative to overallocation
- Relative to length of time of permit
- Relative to meet different needs for different users

# Next Steps

- Your commitment and participation are important
- Public participation process
  - Encourage others to stay informed & provide comments on website
  - DHEC staff available to reach out to groups you represent