Agenda

• Welcome Back
  • Myra Reece, Director, DHEC Environmental Affairs

• Stakeholder Introductions

• Concerns and Effects
  • Rob Devlin, Director, Water Monitoring, Assessment & Protection Division

• Facilitated Discussion

• Lunch

• Continued 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.

<table>
<thead>
<tr>
<th>Stakeholder workgroup timeline</th>
<th>Notice of Drafting Published</th>
<th>Monthly Stakeholder Meetings</th>
<th>Evaluate stakeholder recommendations</th>
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<td>Aug</td>
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Provide updates and opportunities for public comment
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

To maximize resource availability

Promote sustainable use

Serve as a regulatory framework to support basin planning

Consequence

Overallocation limits availability

Flow standards do not apply to majority of permits and registrations

Basin planning activities and regulatory framework are not working together for effective implementation
South Carolina Department of Health and Environmental Control

Concerns and Effects
## Concerns and Effects - Immediate

<table>
<thead>
<tr>
<th>Immediate Concerns</th>
<th>Effects</th>
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<tbody>
<tr>
<td>No authority to use reasonableness standards for evaluating agricultural registrations</td>
<td>Agricultural registration applications can request the entire safe yield of a stream/river regardless of the need</td>
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<tr>
<td>Safe yield calculation is the only requirement for obtaining an agricultural registration</td>
<td>Leads to partial or complete closing of the stream/river to any new registrations</td>
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<tr>
<td>EPA is reviewing the regulation as a flow standard</td>
<td>Could lead to new flow standard requirements for all users different than what is currently required</td>
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Discussion

• How could we best address these immediate concerns?

• What immediate concerns most impact you?

• Which ideas and actions would most improve regulations and management of surface water in SC?
  • Maximize resource availability
  • Promote sustainable use
  • Serve as regulatory framework
## Concerns and Effects – Short Term

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<td>94% of the withdrawers are not required to follow MIF protocol during low flow events (droughts) or for typical 20-30-40 requirements</td>
<td>There is no regulatory authority to require the reduction of withdrawal quantity during low flow events or droughts</td>
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<tr>
<td>Current regulations lack the tools to implement the river basin plans</td>
<td>DNR river basin plans may not be able to be fully implemented</td>
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Discussion

• How could we best address these short-term concerns?

• What short-term concerns most impact you?

• Which ideas and actions would most improve regulations and management of surface water in SC?
  • Maximize resource availability
  • Promote sustainable use
  • Serve as regulatory framework
# Concerns and Effects – Long Term

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<td>Permitted withdrawal limits are over allocated</td>
<td>Existing permits will tie up large amounts of water that is not needed and therefore the water will not be available to incoming potential withdrawers</td>
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<tr>
<td>Permits are issued for 30-50 years and cannot be reduced (even at renewal)</td>
<td>Existing permits that don’t expire and cannot be reduced are essentially unregulated</td>
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Discussion

• How could we best address these long-term concerns?

• What long-term concerns most impact you?

• Which ideas and actions would most improve regulations and management of surface water in SC?
  • Maximize resource availability
  • Promote sustainable use
  • Serve as regulatory framework
South Carolina Department of Health and Environmental Control

Path Forward
Group Discussion

What needs to be done?

• What are your concerns at this point in the process?
• What changes do we think can or should be made to the regulation?
• How do we put solutions into action?
Surface Water Regulation Stakeholder Workgroup

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<td>2022</td>
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Provide updates and opportunities for public comment.
Next Steps

• Your commitment and participation are important
• Public participation process
  • Encourage others to stay informed & provide comments on website
    • https://scdhec.gov/surface-water-stakeholder-workgroup
  • DHEC staff available to reach out to groups you represent
• Want to hold continued meetings as we go forward

• General Assembly in January (?)
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
Next Steps

- **2021**
  - Aug: Notice of Drafting Published
  - Sept: Initial Work Group Meetings
  - Oct: Initial Work Group Meetings
  - Nov: Continued Monthly Work Group Meetings
  - Dec: Support for bill to propose any recommended law changes

- **2022**
  - 1st Quarter: Support for bill to propose any recommended law changes
  - Mid-Year: Support for bill to propose any recommended law changes