



South Carolina Department of Health and Environmental Control

---

# Safe Yield and Surface Water Law and Regulation

---

# Discussion Topics

- Safe Yield discussion
  - Questions
- Overview of SC Water Resources Law
- Overview of Water Quantity Programs
  - Questions
- Surface Water Law Concepts
  - Questions

# Safe Yield – Where did it come from?

- Based somewhat on the minimum instream flow (MIF)
- Safe Yield (SY) Definition: “the amount of water available for withdrawal from a particular surface water source in excess of the MIF or minimum water level for that surface water source...”
  - Started by looking at MIF, once defined as 20-30-40, the lowest of these was 20% - became 20% of mean annual daily flow (MADF)
  - Looked at other metrics suggested by an outside panel based on established MIF:
    - Examples: 7Q10, 20% of MADF, and 5 percentile monthly

# Safe Yield in Stream Segments

## Stream segment not influenced by impoundment

- 80% of the MADF at the point of withdrawal (MADF-20% of MADF)
- considering natural and artificial replenishment of the surface water and *affected* downstream users
- remove all permitted and registered volumes upstream of the withdrawal point from the 80% of MADF

## Stream segment influenced by impoundment

- If influenced by a licensed or otherwise flow-controlled impoundment
- SY is the difference between MADF and the lowest release

# Safe Yield in Impoundments

## Licensed or otherwise flow-controlled impoundment

- maximum amount that would not cause a reservoir water level to drop below its minimum water level or be able to achieve their releases

## Not considered a licensed or otherwise flow-controlled impoundment

- maximum amount that would not cause the impoundment water level to drop below its minimum water level confirmed by Department with input from the applicant and owner/operator

# Safe Yield Workgroup Summary

- Consistent comments received from stakeholders about SY and how it was calculated
- Met with diverse group of stakeholders to discuss SY, how other states permit withdrawal limits, and other ways of calculating SY
- Final comments were inconclusive and no change to the SY was determined or submitted by stakeholders



# SW Regulation Workgroup Summary

- Started after the 10-year regulation review, determined three unintended consequences:
  - 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
- Final comments were inconclusive, only that changes needed to be made to the law and not just the regulation

---

# SCDNR Water Resources Law

- **SC Water Resources Planning and Coordination Act**
  - Since the 1960s – Non-Regulatory
  - Planning and guidance for beneficial use, conservation, and management of South Carolina's water resources
    - Groundwater monitoring network
    - Well drilling, potentiometric mapping, geophysical logging
    - Publications, telemetry network, drought monitoring
  - Planning Process Advisory Committee (PPAC)
    - SC State Water Planning Framework
  - River Basin Councils develop Basin Plans
  - State Water Plan developed from Basin Plans
  - Moves to new Department of Environmental Services (DES) on July 1, 2024





# SCDHEC Water Law and Regulation

- **SC Groundwater Use and Reporting Act**
  - Since the 1960s – Regulation 61-113
  - Issue permits in designated areas of the coastal plain over 3 million gallons in any month (100,000 gallons per day)
- **SC Surface Water Withdrawal, Permitting Use, and Reporting Act**
  - Since June 2012 – Regulation 61-119
  - Issue permits statewide if over 3 million gallons in any month
- **Water Use Reporting**
  - All registered and permitted groundwater and surface water withdrawers report their annual water use to the department
  - Produce water use reports for public use

---

# Surface Water Law Concept Development

- During February 2, 2023, PPAC round table meeting the group discussed ideas and concepts for potential changes to the Surface Water Law
- The group requested that statutory language be drafted to guide further comments and discussion on these concepts
- On March 17, 2023, and again on October 26, 2023, statutory language was circulated

# Summary of Concepts

## Resource Driven Program

- Current management is industry specific with different criteria
- Change to resource-driven program where all industries are permitted on same criteria

## Declaration of Policy

- Utilizing guiding principles outlined in the SC State Water Planning Framework
- Strengthen bond between regulation and state water plan

# Summary of Concepts

## Permit for All Users

- All users must meet 20/30/40 minimum instream flows (MIF)
- All evaluated for reasonableness criteria
- If approaching MIF – reduce use in a stepwise approach

## Safe Yield

- Removed as metric entirely
- River withdrawals would be guided by minimum instream flows

# Summary of Concepts

## Permit Duration

- 30-year permits with 10-year evaluations
- Permits evaluated on reasonable use, future need, and processing capacity
- 10-year review cycle may line up with river basins

## River Basins

- Reduce from 15 to 8 river basins
- The 8 river basins mostly align with state water planning efforts

# Summary of Concepts

## **Impoundments**

- Withdrawals guided by information provided by the owners or operators of the impoundments

## **Public Notice Platform**

- Public notice accomplished by online platform
- No longer use newspaper ads



# CONTACT US

Joseph Koon, Director

Water Monitoring, Assessment, & Protection

803-898-4210

[koonjm@dhec.sc.gov](mailto:koonjm@dhec.sc.gov)

Leigh Anne Monroe, Manager

Water Quantity Permitting

803-898-2415

[monroela@dhec.sc.gov](mailto:monroela@dhec.sc.gov)

