



SC DEPARTMENT *of*  
**ENVIRONMENTAL  
SERVICES**

# Surface Water Law and Regulation

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# Water Quantity Programs

## Groundwater Use and Reporting

- Since the 1970s
- Issue permits in designated capacity areas of the coastal plain over for use over 3 million gallons in any month
- Users outside of Capacity Use Areas must register wells if well or well system will use over 3 million gallons in any month
- All registered and permitted groundwater withdrawers report their annual water

## Surface Water Withdrawal, Permitting and Reporting

- Since June 2012
- Issue permits / registrations statewide if over 3 million gallons in any month
- All registered and permitted surface water withdrawers report their annual water use to the Department

# Surface Water Law and Regulation

- SC Surface Water Withdrawal, Permitting, Use, and Reporting Act, Section 49-4-10, passed in 2011
  - Regulation 61-119, promulgated in 2012
- Regulation established a system and rules for permitting and registering the withdrawal and use of surface water in South Carolina
- Any user withdrawing over 3 MGM in any month must have a permit or registration and report water use annually
- Three types of withdrawers: existing, new, and agricultural. Different criteria apply to each.

# Surface Water Law and Regulation

- **Determining permitted and registered permit volume:**
  - **Safe yield: Amount of water available to be permitted.**
    - Calculated at point of withdrawal: 80% of Mean Annual Daily Flow (MADF)
    - Adjusted for upstream and downstream withdrawals
    - Applies to new permits and new registrations
    - Registrations are granted if requested volume is within safe yield
  - **Minimum instream flows (MIF): Amount of water to remain in stream**
    - 20%, 30% or 40% of MADF, depending on month
    - When streamflow is below MIF, users must curtail withdrawals and begin contingency operations
    - **Only applies to new permits**

# Existing Withdrawer Criteria

- Not subject to 20-30-40 minimum instream flow (MIF) requirements
- No public notice requirement
- Accounts for 97% of permits
- Most were permitted for the **designed capacity of the intake structure**

Existing surface water withdrawers on  
January 1, 2011



Permits issued for the largest of  
documented historical use, current  
permitted treatment capacity, designed  
capacity of intake structure



Permit durations with a minimum of 30  
years and up to 50 years

# New Withdrawer Criteria

Withdrawals evaluated for reasonableness

Public Noticed for 30 days  
(mandatory Public Hearing for Inter-basin Transfers (IBT))

Permit duration of 20 years with possible extension to 50 years

- Withdrawals are **subject to MIF** requirements
- Safe yield calculated at the point of withdrawal
- **Additional contingency planning** shall be required to consider withdrawals more than safe yield

# Agricultural Registration Criteria

Registration rather than a permit,  
must report their water use

Subject to safe yield calculations

No expiration date

- Safe yield calculated at the point of withdrawal and is the maximum amount that can be registered
- **Not subject to MIF or reasonable use requirements**
- Not required to include any best management practices

# Surface Water Withdrawers

## Statewide:

- Active Permits: 199 with 257 intakes
- Active Agricultural Registrations: 114 with 218 intakes

## Santee Planning Basin:

- Active Permits: 26 with 31 intakes
- Active Agricultural Registrations: 10 with 13 intakes



# Exemptions

## **Users exempt from surface water withdrawal regulations:**

- Those withdrawing less than 3 mgm
- Ponds that are completely contained with no inflow/outflow to tributaries (surficial or runoff fed)
- Dewatering operations
- Wildlife management
- Hydro power (must only comply with being registered and reporting use)
- Emergency withdrawals



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