



SC DEPARTMENT *of*
**ENVIRONMENTAL
SERVICES**

SCDES Updates and Surface Water Law Refresher

9/11/2024

Transition information

- July 1, 2024, DES was established, primarily comprised of DHEC's Environmental Affairs and some DNR programs, including DNR's Hydrology program
- Water Resources Division; includes Water Quantity Permitting Section managed by Leigh Anne Monroe and the Hydrology Section managed by Scott Harder
 - Water Quantity: Manages and issues surface and groundwater permits and registrations, writes annual water use report, and capacity use area evaluations
 - Hydrology: Manages water planning efforts, monitors groundwater wells, creates potentiometric maps, writes various reports

Transition updates

- *Changes to be aware of:*
 - New email addresses: FIRST.LAST@des.sc.gov
 - New website: <https://des.sc.gov/programs/bureau-water/hydrology>
 - DES now manages river basin planning and state water plan
- Maintain *Consistency*:
 - River basin planning will continue uninterrupted
 - River basin plans are voluntary, not regulatory
 - Santee basin will kick off later this year
 - Overall basin planning process remains the same

Surface Water Law Refresher

- 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 surface water withdrawers: existing, new, and agricultural. Different standards apply to each.

Surface Water Law Refresher

- 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 94% 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



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