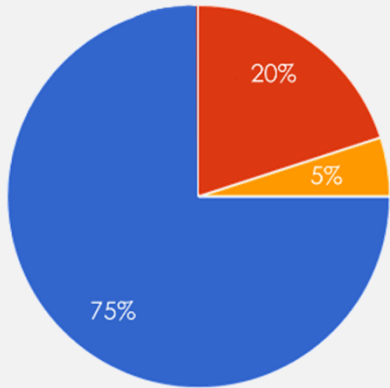


Review and Discuss Draft of Chapter 9, Policy, Legislative, Regulatory, Technical and Planning Process Recommendations



Summary of Survey Results

1. The Surface Water Withdrawal, Permitting and Reporting Regulations should use 80 percent of median annual daily flows instead of 80 percent of mean annual daily flows, to determine safe yield at a withdrawal point.

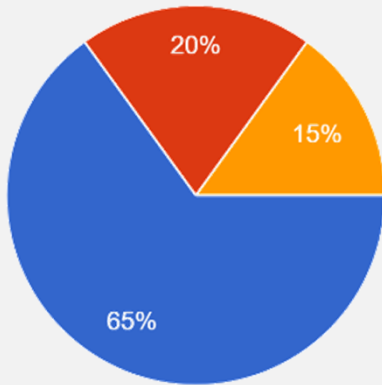


(15) ● I support this recommendation
 (4) ● I do not support this recommendation
 (1) ● Abstain



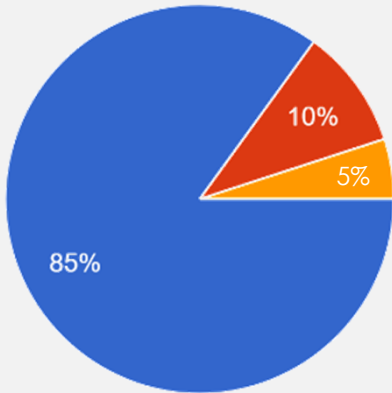
Number of RBC Members voting in each category

2. The Surface Water Withdrawal, Permitting and Reporting Regulations should use median annual daily flows instead of mean annual daily flows, to determine seasonal minimum instream flows at a withdrawal point.



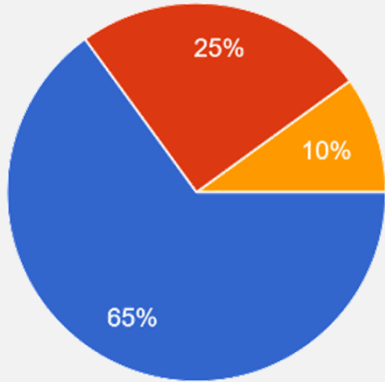
(13) ● I support this recommendation
 (4) ● I do not support this recommendation
 (3) ● Abstain

3. Reasonable use criteria should be applied to all water use requests.



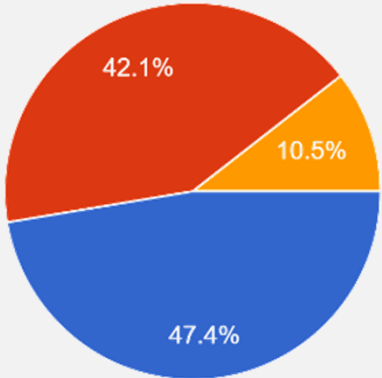
(17) ● I support this recommendation
 (2) ● I do not support this recommendation
 (1) ● Abstain

4. A user's actual water use and water needs, accounting for growth, should be periodically reviewed to prevent locking up water that is not needed.



(13) ● I support this recommendation
 (5) ● I do not support this recommendation
 (2) ● Abstain

5. All water users should be subject to the same rules.



(9) ● I support this recommendation
 (8) ● I do not support this recommendation
 (2) ● Abstain

Twenty (20) of the 21 RBC Members completed the survey. One (1) of the 20 responding members did not answer question 5.

Points of Discussion

Issue 2.

The Surface Water Withdrawal, Permitting and Reporting Regulations should use **median annual daily flows** instead of **mean annual daily flows**, to determine seasonal minimum instream flows at a withdrawal point.

DNR has noted that the 1980s study used to establish the MIF criteria (20/30/40 flows) linked observed ecological impacts to mean flow. It used fish passage criteria, navigation criteria, and wetted perimeter to establish minimum flows tied to a percentage of mean flow.

If median is used, the same 20/30/40 percentages (which were based on mean flows) would not apply. Different percentages would need to be established to tie the same level of impact to median flows.

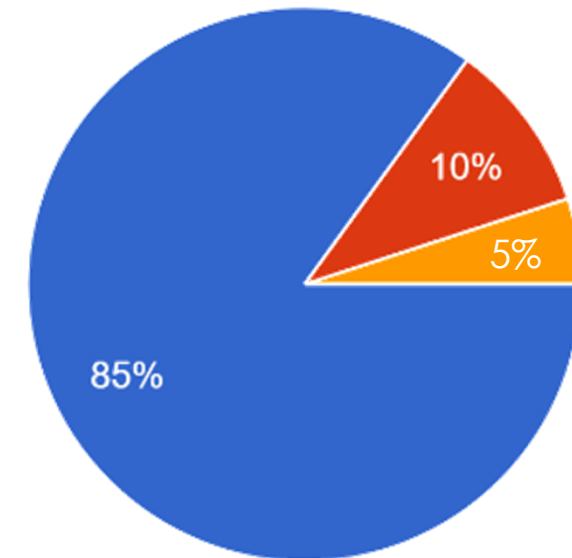
Points of Discussion

Issue/Question 3.

Reasonable use criteria should be applied to all water use requests.

Is there the potential that the RBC could reach consensus on making this a formal recommendation?

(consensus meaning all members can “live with it” as a recommendation)



- (17) ● I support this recommendation
- (2) ● I do not support this recommendation
- (1) ● Abstain

Table 2. General guidelines, by water sector, for reasonable use determination in SC groundwater withdrawal applications.¹⁰

Water Use Sector	General Reasonable Use Guidelines
Aquaculture	Size of operation (acreage) Depth of holding ponds, lagoons, or lakes Refill rates
Golf Course	Current systematic and industry-based standards Application rates Acreage irrigated Duration of irrigation
Industry	Current systematic and industry-based standards Variability based on size and type of industry
Irrigation	Current systematic and industry-based standards Crop type Irrigation method Acreage irrigated Duration of irrigation Stress period buffering
Power – Thermoelectric	Current systematic and industry-based standards Availability of alternative water sources
Power – Nuclear	Current systematic and industry-based standards
Water Supply	Current systematic and industry-based standards Population served Per capita use
Other	Variability based on size and type of industry

Nix HB, Rouhi Rad M. Water withdrawal regulation in South Carolina. Clemson (SC): Clemson Cooperative Extension, Land-Grant Press by Clemson Extension; 2022. LGP 1143. <https://lgpress.clemson.edu/publication/water-withdrawal-regulation-in-south-carolina>.

Points of Discussion

In Chapter 9.3, the transition from talking about groundwater regs to surface water regs is not always clear when presenting some of the perceived issues.

- Specifically, it needs to be clear that when voting on Issue 4, the RBC was not voting to make the provisions of the surface water regulations the same as the groundwater regulations, especially as they relate to review periods.

Issue 4.

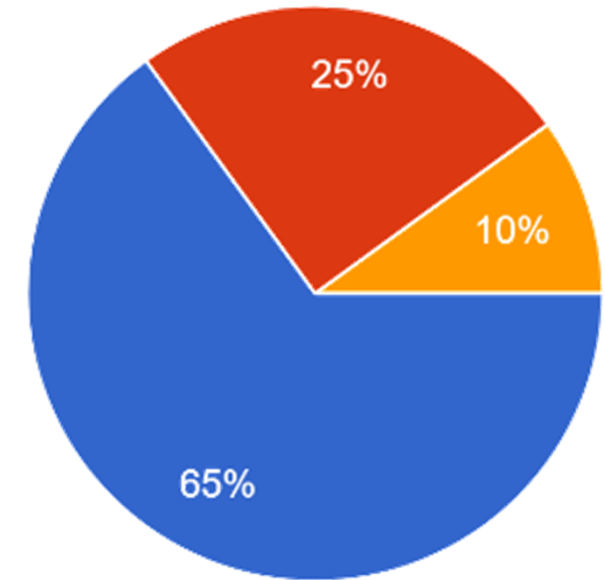
A user's actual water use and water needs, accounting for growth, should be periodically reviewed to prevent locking up water that is not needed.

Points of Discussion

In presenting issue 4, there should be a more thorough discussion of review/renewal period. There's value in noting that registrations lack any renewal/review period, whereas permits can be reviewed at 20 years (new or expanded permits) or 30 years (grandfathered permits).

Issue 4.

A user's actual water use and water needs, accounting for growth, should be periodically reviewed to prevent locking up water that is not needed.



- (13) ● I support this recommendation
- (5) ● I do not support this recommendation
- (2) ● Abstain

Surface Water Law and Regulation

	Existing Surface Water Withdrawer (Grandfathered)	New or Expanding Surface Water Withdrawer	Agricultural Withdrawer
Permit Duration	Minimum 30 years not to exceed 50	Minimum 20 years not to exceed 50	Registrations never expire
Registered or Permitted Withdrawal Amount	Based on Greater of Historical Use or Intake Capacity	Based on Reasonable Use Criteria	Based on Historical Use or Requested Use
Public Notice	No	Yes; 30-day	No
Minimum Instream Flow Requirements	Subject only to Operation and Contingency Plan	Must meet Minimum Instream Flow (20, 30, 40)	Not subject to Minimum Instream Flow
Reasonableness Criteria for withdrawal?	No	Yes	No
Can be Transferred?	Yes	Yes	No