Session 118 - (2009-2010)

S*0452 (Rat #0300, Act #0247 of 2010) General Bill, By Campbell, Leatherman, Reese, Shoopman, Williams, Mulvaney, Pinckney, O'Dell, Ford, Knotts, Bryant, Land, Grooms, Hutto, Fair, Peeler, Sheheen, Ryberg, Massey, Elliott, Alexander, McGill, Bright, L. Martin, Matthews, Setzler, Rose, Hayes and Campsen

Similar (S 0275, H 3577, H 4285)

Summary: Water Withdrawal, Permitting, Use, and Reporting Act

AN ACT TO AMEND CHAPTER 4, TITLE 49, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE "SOUTH CAROLINA SURFACE WATER WITHDRAWAL AND REPORTING ACT", SO AS TO CHANGE THE NAME TO THE "SOUTH CAROLINA SURFACE WATER WITHDRAWAL, PERMITTING, USE, AND REPORTING ACT"; TO REVISE AND ADD DEFINITIONS OF TERMS USED IN THIS ACT; TO PROVIDE THAT, SUBJECT TO CERTAIN EXCEPTIONS, SURFACE WATER WITHDRAWALS MUST BE MADE PURSUANT TO A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND TO PROVIDE EXEMPTIONS FROM PERMITTING, REGISTERING, AND REPORTING FOR SPECIFIED USES OF SUCH WITHDRAWALS; TO REQUIRE AGRICULTURAL SURFACE WATER WITHDRAWERS TO REGISTER THEIR SURFACE WATER USE WITH THE DEPARTMENT AND TO GRANDFATHER CURRENTLY REGISTERED WITHDRAWERS AT THEIR AUTHORIZED QUANTITY; TO PROVIDE FOR NONCONSUMPTIVE SURFACE WATER WITHDRAWAL PERMITS; TO PROVIDE FOR SURFACE WATER WITHDRAWAL PERMITS FOR WITHDRAWERS THAT OWN AND OPERATE A LICENSED IMPOUNDMENT; TO REQUIRE PERMITTED AND REGISTERED SURFACE WATER WITHDRAWERS TO REPORT ANNUALLY TO THE DEPARTMENT THE QUANTITY OF WATER WITHDRAWN; TO PROVIDE THAT REGISTERED AND EXEMPT SURFACE WATER WITHDRAWERS MAY APPLY FOR A SURFACE WATER WITHDRAWAL PERMIT; TO PROVIDE THAT THE AUTHORIZED USE OF SURFACE WATER ON NONRIPARIAN LAND MUST BE GIVEN EQUAL CONSIDERATION WITH USES ON RIPARIAN LAND IN PROCEEDINGS RELATING TO WATER USES OR WATER RIGHTS; TO FURTHER SPECIFY SURFACE WATER WITHDRAWAL PERMIT PROCEDURES AND REQUIREMENTS FOR NEW AND EXISTING SURFACE WATER WITHDRAWERS AND TO PROVIDE THAT EXISTING INTERBASIN TRANSFER PERMITS OR REGISTRATION HOLDERS ARE DEEMED TO BE SURFACE WATER WITHDRAWERS AND TO PROVIDE RENEWAL PROCEDURES FOR THESE PERMIT AND REGISTRATION HOLDERS; TO PROVIDE CRITERIA FOR DETERMINING IF A PROPOSED WATER USE IS REASONABLE; TO PROVIDE PUBLIC HEARING PROCEDURES FOR NEW SURFACE WATER WITHDRAWAL PERMIT APPLICATIONS, INCLUDING APPLICATIONS FOR INTERBASIN TRANSFERS, AND APPLICATIONS FOR SIGNIFICANT WATER QUANTITY INCREASES TO EXISTING PERMITS; TO SPECIFY THE CONTENTS AND DURATION OF AND THE RIGHTS CONFERRED BY A SURFACE WATER WITHDRAWAL PERMIT; TO PROVIDE THE CIRCUMSTANCES UNDER WHICH A PERMIT MAY BE MODIFIED, SUSPENDED, OR REVOKED; TO PROVIDE PROCEDURES AND CRITERIA FOR ISSUING RENEWAL PERMITS AND SIGNIFICANT INCREASES IN WATER WITHDRAWAL QUANTITIES; TO REQUIRE A SURFACE WATER WITHDRAWER TO NOTIFY THE DEPARTMENT OF CERTAIN SURFACE WATER INTAKE CHANGES; TO AUTHORIZE TEMPORARY SURFACE WATER WITHDRAWAL PERMITS; TO PROVIDE PROCEDURES TO MAINTAIN MINIMUM INSTREAM FLOW REQUIREMENTS; TO REQUIRE PERMITTEES TO PREPARE AND MAINTAIN OPERATIONAL AND CONTINGENCY PLANS TO PROMOTE AN ADEQUATE WATER SUPPLY WHEN THE FLOW OF THE SURFACE WATER IS LESS THAN THE MINIMUM INSTREAM FLOW FOR THAT SURFACE WATER SEGMENT; TO PROVIDE THE POWERS AND DUTIES OF THE DEPARTMENT IN ADMINISTERING THIS ACT; TO PROVIDE CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION 48-2-30, RELATING TO THE ENVIRONMENTAL PROTECTION FUND, SO AS TO REQUIRE FEES COLLECTED BY THE DEPARTMENT IN THE ADMINISTRATION OF THE SURFACE WATER WITHDRAWAL, PERMITTING, USE, AND REPORTING ACT TO BE DEPOSITED INTO THIS FUND; TO AMEND SECTION 48-2-50, RELATING TO FEES CHARGED BY THE DEPARTMENT IN ADMINISTERING PROGRAMS FROM WHICH FEES ARE DEPOSITED IN THE ENVIRONMENTAL PROTECTION FUND, SO AS TO ESTABLISH THE MAXIMUM AMOUNT FOR FEES CHARGED FOR SERVICES AND FUNCTIONS PROVIDED PURSUANT TO SURFACE WATER WITHDRAWALS, TO REQUIRE THE DEPARTMENT TO REPORT ANNUALLY TO THE GENERAL ASSEMBLY SURFACE WATER WITHDRAWAL FEES COLLECTED, TO PROVIDE THAT THESE SURFACE WATER WITHDRAWAL FEES ARE REPEALED JANUARY 1, 2013, AND TO PROVIDE THAT NO FEES MAY BY CHARGED FOR SURFACE WATER WITHDRAWAL APPLICATIONS UNTIL A FEE SCHEDULE IS ESTABLISHED BY THE GENERAL ASSEMBLY; TO REPEAL CHAPTER 21, TITLE 49 RELATING TO THE INTERBASIN TRANSFER OF WATER; TO PROVIDE THAT CHAPTER 1, TITLE 49, GENERAL PROVISIONS RELATING TO WATER, WATER RESOURCES, AND DRAINAGE, IS NOT AFFECTED BY AND SUPERSEDES CHAPTER 4, TITLE 49, THE "SOUTH CAROLINA SURFACE WATER WITHDRAWAL, PERMITTING, USE, AND REPORTING ACT", TO STATE THAT THE INTENTION OF THE GENERAL ASSEMBLY IS NOT TO AFFECT

ONGOING LITIGATION BETWEEN SOUTH CAROLINA AND NORTH CAROLINA OR TO PREJUDICE ANY ARGUMENT THAT THIS STATE MAY MAKE IN SUCH LITIGATION. - ratified title

02/19/09	**Senate**	**Introduced and read first time SJ-4**
02/19/09	**Senate**	**Referred to Committee on Agriculture and Natural Resources SJ-4**
01/28/10	**Senate**	**Committee report: Favorable with amendment Agriculture and Natural Resources SJ-6**
02/02/10		**Scrivener's error corrected**
03/11/10	**Senate**	**Committee Amendment Amended and Adopted SJ-14**
03/11/10	**Senate**	**Read second time SJ-14**
03/16/10	**Senate**	**Read third time and sent to House SJ-31**
03/17/10	**House**	**Introduced and read first time HJ-8**
03/17/10	**House**	**Referred to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-8**
04/29/10	**House**	**Committee report: Favorable with amendment Agriculture, Natural Resources and Environmental Affairs HJ-7**
04/30/10		**Scrivener's error corrected**
05/06/10	**House**	**Amended HJ-49**
05/06/10	**House**	**Requests for debate-Rep(s). GR Smith, JR Smith, Pinson, Duncan, Stringer, Wylie, Hamilton, Bedingfield, Loftis, Nanney, AD Young, Parker, Allison, RL Brown, Crawford, Lowe, Sellers, Agnew, and Toole HJ-52**
05/12/10	**House**	**Debate adjourned until Thursday, May 13, 2010 HJ-67**
05/25/10	**House**	**Read second time HJ-138**
05/25/10	**House**	**Roll call Yeas-87 Nays-11 HJ-138**
05/26/10		**Scrivener's error corrected**
05/26/10	**House**	**Read third time and returned to Senate with amendments HJ-63**
06/01/10	**Senate**	**House amendment amended SJ-106**
06/01/10	**Senate**	**Returned to House with amendments SJ-106**
06/03/10	**House**	**Concurred in Senate amendment and enrolled HJ-60**
06/03/10	**House**	**Roll call Yeas-83 Nays-8 HJ-60**
06/07/10		**Ratified R 300**
06/11/10		**Signed By Governor**
07/01/10		**Effective date 01/01/11**
07/08/10		**Act No. 247**