**A** **BILL**

TO AMEND CHAPTER 3, TITLE 49 OF THE 1976 CODE, RELATING TO WATER RESOURCES PLANNING AND COORDINATION, TO ENACT THE WATER RESOURCES PLANNING AND COORDINATION RESTRUCTURING ACT, TO ESTABLISH THE SOUTH CAROLINA WATER PLANNING ADVISORY COMMITTEE AND TO PROVIDE FOR THE MEMBERSHIP, RESPONSIBILITIES, AND DUTIES OF THE ADVISORY COMMITTEE, TO PROVIDE FOR CONSIDERATIONS THAT THE ADVISORY COMMITTEE MUST TAKE INTO ACCOUNT WHEN FULFILLING ITS DUTIES AND RESPONSIBILITIES, TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MUST PROMULGATE THE STATE WATER PLAN ADOPTED BY THE ADVISORY COMMITTEE AS REGULATIONS, TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES IS CHARGED WITH ENFORCING THE WATER PLAN, TO ESTABLISH PENALTIES FOR VIOLATIONS OF THE WATER PLAN, TO PROVIDE A DEADLINE FOR THE ADOPTION OF THE INITIAL WATER PLAN, AND TO STAGGER THE TERMS OF THE MEMBERS OF THE ADVISORY COMMITTEE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 49 of the 1976 Code is amended to read:

“Chapter 3

WATER RESOURCES PLANNING AND COORDINATION RESTRUCTURING ACT

Section 49‑3‑10. This chapter may be cited as the South Carolina Water Resources Restructuring, Planning, and Coordination Act.

Section 49‑3‑20. As used in this chapter:

(1) ‘~~Board~~ Committee’ means the ~~governing body of the Department of Natural Resources~~ South Carolina Water Planning Advisory Committee.

(2) ‘Department’ means the Department of Natural Resources.

Section 49‑3‑30. Except as otherwise provided in this chapter, ~~The~~ the former Water Resources Commission without its regulatory functions is hereby transferred to the Water Resources Division of the Department of Natural Resources and is directly accountable to and subject to the board of the Department of Natural Resources. The Water Resources Division shall be directly accountable to and subject to the Department of Natural Resources. The regulatory functions of the former Water Resources Commission are transferred to the Department of Health and Environmental Control.

Section 49‑3‑35. (A) There is established the ‘South Carolina Water Planning Advisory Committee’. The committee shall consist of the following members:

(1) one member appointed by the Speaker of the House of Representatives who shall not be a member of the General Assembly and who shall serve for a term of four years and until a successor is appointed and qualifies;

(2) one member appointed by the President Pro Tempore of the Senate who shall not be a member of the General Assembly and who shall serve for a term of four years and until a successor is appointed and qualifies;

(3) one member appointed by the Governor, with the advice and consent of the Senate, who shall act as chairman of the committee and who shall serve for a term of four years and until a successor is appointed and qualifies;

(4) two members to serve ex officio, one of whom shall be the chairman of the House of Representatives Committee on Agriculture, Natural Resources and Environmental Affairs Committee or his designee and the other member to be the chairman of the Senate Committee on Agriculture and Natural Resources Committee or his designee;

(5) ten members who shall be elected from the State at‑large by the General Assembly for terms of four years each and until their successors are elected and qualify.

(B) Each member of the committee must possess abilities and experience that allow him to make valuable contributions to the conduct of the committee’s business.

(C) Whenever an election is to be held by the General Assembly, all candidates for election must first be screened and found qualified to serve on the committee. Candidate screening and committee member elections must be conducted pursuant to the provisions in Chapter 20, Title 2.

(D) All appointees selected by the Speaker of the House of Representatives or the President Pro‑Tempore of the Senate must be screened pursuant to the candidates screening provisions in Chapter 20, Title 2 and found qualified before the appointee may serve on the committee.

(E) A vacancy in the membership of the committee must be filled for the unexpired term in the same manner as the original appointment or election, as the case may be.

(F) The committee shall direct all organizations and personnel associated with the development of the comprehensive statewide water management program in order to fulfill the committee’s duties and responsibilities.

(G) Professional and clerical staff must be made available to the committee by the department and Department of Health and Environmental Control to assist the committee in carrying out its duties and responsibilities. The committee may also employ or retain other professional staff, upon the determination of necessity and as may be funded in the general appropriations act.

Section 49‑3‑40. ~~(a)~~(A) The ~~department~~ committee shall ~~advise and assist the Governor and the General Assembly in~~:

(1) ~~formulating and establishing~~ formulate and establish a comprehensive statewide water resources ~~policy~~ plan ~~for the State, including coordination of policies and activities among the state departments and agencies~~ that promotes sustainable water management to protect public health and natural systems, supports economic growth, and enhance the quality of life of all South Carolina’s residents. The statewide water plan must include river basin and aquifer management plans, regional and river basin plans, and local water plans that are created in conjunction with the regional water basin management councils;

(2) ~~developing and establishing~~ develop and establish policies and proposals designed to meet and resolve special problems of water resource use and control within or affecting the State, including consideration of the requirements and problems of urban and rural areas;

(3) ~~reviewing~~ review the actions and policies of state agencies with water resource responsibilities to determine the consistency of such actions and policies with the comprehensive water policy of the State and to recommend appropriate action where deemed necessary;

(4) ~~reviewing~~ review any project, plan or program of federal aid affecting the use or control of any waters within the State and to recommend appropriate action where deemed necessary;

(5) ~~developing~~ develop policies and recommendations to assure that the long range interests of all groups, urban, suburban, and rural, are provided for in the state’s representation on interstate water agencies;

(6) ~~recommending~~ recommend to the General Assembly any changes of law required to implement the policy declared in this chapter; ~~and~~

(7) establish and maintain regional water basin management councils for each water basin in the State; and

~~(7)~~(8) ~~such~~ be responsible for other water resources planning, policy formulation and coordinating functions as the Governor and the General Assembly may designate.

~~(b)~~(B) The statewide comprehensive water resources plan must be based on a sound scientific foundation. The ~~department~~ committee is authorized to conduct or arrange for ~~such~~ studies, inquiries, surveys or analyses as may be relevant to its duties in assisting the Governor and the General Assembly and its duty to formulate a statewide water plan ~~in the implementation of the policy declared in this chapter, and in developing recommendations for the General Assembly~~. For these purposes, the ~~department~~ committee shall have full access to the relevant records of other state departments and agencies and political subdivisions of the State, and may hold public hearings, and may cooperate with or contract with any public or private agency, including educational, civic and research organizations. The studies, inquiries, surveys, or analyses shall incorporate and integrate, to the maximum extent feasible, plans, programs, reports, research and studies of federal, state, interstate, regional, metropolitan and local units, agencies and departments of government.

~~(c)~~(C) In developing recommendations for the Governor and the General Assembly relating to the use and control of the water resources of the State, including the statewide comprehensive water resources plan, the ~~department~~ committee shall:

(1) coordinate its activities by distribution of copies of its notices of meetings with agenda, minutes and reports of all state agencies concerned with water resources;

(2) consult with representatives of any federal, state, interstate, or local units of government which would be affected by such recommendations; ~~and~~

(3) engage affected stakeholders, citizens, and other entities managing or utilizing water allowing them an opportunity to meaningfully participate in the process; and

~~(3)~~(4) be authorized to appoint ~~such~~ internal, interdepartmental, and public advisory boards as necessary to advise them in fulfilling their duties and responsibilities ~~in developing policies for recommendations to the Governor and the General Assembly~~.

~~(d)~~(D) The ~~department~~ committee shall encourage, assist and advise regional, metropolitan, and local governmental agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and shall assist in coordinating local water resources activities, programs, and plans.

~~(e)~~(E) The ~~department~~ committee may publish and must make available on an internet website all reports, including the results of ~~such~~ studies, inquiries, surveys and analyses as may be of general interest, and shall make an annual report of its activities to the Governor and the General Assembly within ten days after the convening of each session of the General Assembly. The committee must also maintain a database accessible to the public that contains the data used in compiling the studies, inquiries, surveys and analyses.

~~(f)~~(F) The ~~department~~ committee may receive and expend grants, gifts, and monies donated or given by any state or private agency, person, corporation, water or sewer authority, or political subdivision in connection with water resource investigations in which the results of such investigations will be made publicly available.

~~(g)~~(G) The ~~department~~ committee is authorized and required to review and approve the expenditure of funds derived from the United States Army Corps of Engineers when any funds are authorized and appropriated for any water resources related projects or purposes, including but not limited to, the following:

(1) navigation~~,~~;

(2) irrigation~~,~~;

(3) water storage~~,~~;

(4) aquatic weed management~~,~~;

(5) flood control~~,~~;

(6) salinity control~~,~~;

(7) interstate water concerns~~,~~; and

(8) any studies, surveys, or analyses performed by the Corps of Engineers.

The review and approval required by this subsection is not applicable to any Corps of Engineers funds which must be expended in a different manner pursuant to express statutory direction.

Section 49‑3‑50. (A) In exercising its responsibilities under this chapter, the department shall take into consideration the need for:

~~(a)~~(1) ~~Adequate~~ adequate supplies of surface and groundwaters of suitable quality for domestic, municipal, agricultural, and industrial uses~~.~~;

~~(b)~~(2) ~~Water~~ water quality facilities and controls to assure water of suitable quality for all purposes~~.~~;

~~(c)~~(3) ~~Water~~ water navigation for recreational and commercial needs~~.~~;

~~(d)~~(4) ~~Hydroelectric~~ hydroelectric power~~.~~;

~~(e)~~(5) ~~Flood~~ flood damage control or prevention measures including zoning to protect people, property, and productive lands from flood losses~~.~~;

~~(f)~~(6) ~~Land~~ land stabilization measures~~.~~;

~~(g)~~(7) ~~Drainage~~ drainage measures, including salinity control~~.~~;

~~(h)~~(8) ~~Watershed~~ watershed protection and management measures~~.~~;

~~(i)~~(9) ~~Outdoor~~ outdoor recreational and fish and wildlife opportunities~~.~~;

~~(j)~~(10) ~~Any other means by which development of water and related land resources can contribute to economic growth and development, the long‑term preservation of water resources, and the general well‑being of all the people of the State.~~ effective water resources management to protect public health and the safety and welfare of South Carolina’s citizens;

(11) water resources managed in a sustain able manner so that current and future generations have access to adequate supplies of quality water that support human needs, natural systems, and economic development;

(12) all citizens to recognize their stewardship responsibility to conserve and protect the water resources of South Carolina;

(13) water resources management efforts based upon a sound scientific foundation and recognition that economic prosperity and environmental quality are interdependent;

(14) integrated management of water quality and quantity and surface and ground water to provide reasonable and efficient use;

(15) local and regional innovation, implementation, adaptability, and responsibility for watershed and river basin management;

(16) meaningful participation, coordination, and cooperation among interested and affected stakeholders and citizens as well as all levels of government and other entities managing or utilizing water;

(17) periodic revision of the comprehensive statewide water management plan to accommodate new scientific and policy insights as well as changing social, economic, cultural, and environmental factors; and

(18) any other means by which development of water and related land resources can contribute to economic growth and development, the long‑term preservation of water resources, and the general well‑being of all the people of the State.

(B) In addition to the considerations required in subsection (A), when formulating the statewide water resources management plan the committee must take into account all relevant data available collected pursuant to Chapters 4 and 5 of this title.

Section 49‑3‑60. The department shall promulgate regulations as may be necessary or appropriate to carry out the provisions of this chapter and to implement the statewide comprehensive water resources plan. The statewide comprehensive water resources plan is not enforceable until the effective date of the implementing regulations.

Section 49‑3‑70. (A) The department is authorized to hold public hearings, compel attendance of witnesses, make findings of fact and determinations and to assess fines and civil penalties relating to violations of the provisions of the act or any regulation, temporary or permanent order, or final determination of the department. Any person found in violation of the statewide comprehensive water resources plan:

(1) is required to notify the department in writing within twenty calendar days from the date of citation with respect to action that has been taken or planned to correct the violation;

(2) shall correct all violations within sixty calendar days from the date of citation. The respondent shall notify the department in writing of all action taken to correct all violations; and

(3) is subject to a civil penalty not to exceed twenty‑five thousand dollars per violation. Each day of continued violation constitutes a separate offense in computing the civil penalty.

(B) The department may request the Attorney General to commence an action under this subsection in an appropriate court of the State to secure a penalty.

(C) Civil penalties collected pursuant to this section must be deposited in the general fund of the State.”

SECTION 2. The initial statewide comprehensive water resources plan must be transmitted to the General Assembly, the Governor, and the department no later than June 1, 2012. Upon receipt of the initial plan the department must promulgate implementing regulations. Thereafter, the plan must be reviewed at least every four years and revised as necessary in the manner provided in this act.

SECTION 3. Notwithstanding Section 49‑3‑35, as contained in SECTION 1 of this act, of the members of the committee initially elected by the General Assembly, the members elected to seats one through four shall serve a two‑year term, members elected to seats five through eight shall serve a three‑year term, and members elected to seats nine and ten shall serve a full four‑year term.

SECTION 4. This act takes effect upon approval by the Governor.

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