**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SURFACE WATER STEWARDSHIP ACT”; TO AMEND SECTION 49‑4‑35, AS AMENDED, RELATING TO THE REGISTRATION OF SURFACE WATER USE WITH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SO AS TO PROVIDE THAT REGISTERED SURFACE WATER WITHDRAWERS UNDER CERTAIN CONDITIONS MUST OBTAIN A SURFACE WATER WITHDRAWAL PERMIT RATHER THAN REGISTERING WITHDRAWALS, TO PROVIDE THAT CERTAIN REGISTERED SURFACE WATER WITHDRAWERS ARE EXEMPT FROM THE PERMITTING REQUIREMENT, AND TO PROVIDE THAT INCREASES IN SURFACE WATER WITHDRAWALS BY REGISTERED SURFACE WATER WITHDRAWERS ARE SUBJECT TO PERMITTING REQUIREMENTS ON THE INCREASED AMOUNT UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. This act may be referred to and cited as the “Surface Water Stewardship Act”.

SECTION 2. Section 49‑4‑35 of the 1976 Code, as last amended by Act 247 of 2010, is further amended by adding an appropriately lettered new subsection to read:

“( )(1) Except for registered surface water withdrawers subject to the provisions contained in subsection (B), a registered surface water withdrawer or a proposed registered surface water withdrawer may not withdraw surface water in an amount that exceeds both five percent of the safe yield at the point of withdrawal and four hundred twenty‑five million gallons during any one month at the time of registration without a permit issued pursuant to this chapter in the same manner and under the same conditions as a new surface water withdrawer.

(2) A registered surface water withdrawer that requests to substantially increase the amount of surface water for which he is registered to withdraw may not withdraw surface water in excess of his registered amount when his registered withdrawal quantity and the proposed increase above his registered withdrawal quantity, when combined, exceeds both five percent of the safe yield at the point of withdrawal and four hundred twenty‑five million gallons during any one month without a permit issued for the increased amount pursuant to this chapter in the same manner and under the same conditions as a new surface water withdrawer.”

SECTION 3. This act takes effect upon approval by the Governor.

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