COMMITTEE REPORT

February 17, 2022

**H. 4778**

Introduced by Reps. W. Cox, West, Collins, Carter, Gagnon, Parks, Sandifer, White, Thayer, Hyde, Whitmire and Hill

S. Printed 2/17/22--H.

Read the first time January 12, 2022.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 4778) to amend the Code of Laws of South Carolina, 1976, by adding Section 49‑3‑60 so as to provide that an entity that has contracted for the right, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 49‑3‑60 SO AS TO PROVIDE THAT AN ENTITY THAT HAS CONTRACTED FOR THE RIGHT TO STORE WATER IN A RESERVOIR OWNED BY THE UNITED STATES ARMY CORPS OF ENGINEERS HAS EXCLUSIVE RIGHTS TO ANY RETURN FLOWS GENERATED TO THAT RESERVOIR.

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 by adding:

“Section 49‑3‑60. (A) Notwithstanding another provision of law, an entity that has contracted for the right to store water in a reservoir owned by the United State Army Corps of Engineers has exclusive rights to any return flows generated directly or indirectly to that reservoir by the entity. The rights conferred by this subsection must be subject to any regulatory requirements imposed by the South Carolina Department of Health and Environmental Control and to the availability to the entity of unused storage capacity within the reservoir to store such return flows.

(B) For purposes of this section, ‘return flow’ means water that is discharged directly or indirectly to a reservoir from a water reclamation facility.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑