



Finish Discussion of Policy, Regulatory, and Legislative Recommendations

John Boyer, CDM Smith

Agenda Item 5



Summary of Common RBC Policy, Regulatory and Legislative Recommendations

Topic	Recommendation <i>(Note that some RBCs have slightly different language but similar intent)</i>	Strength of Consensus (See Legend Below)					
		Edisto	Broad	Pee Dee	Saluda	Upper Sav.	Lower Sav-Salk
Reasonable Use Criteria	The South Carolina Surface Water Withdrawal, Permitting, Use, and Reporting Act should allow for reasonable use criteria to be applied to all (new ¹) surface water withdrawals, like those that currently exist for groundwater withdrawals						
Improve Effectiveness of Water Laws	Improve the current laws that allow for regulation of water use so that they are enforceable and effective ² . The current water law, which grandfathers most water users, needs to be improved to support effective management of the state's water resources.						
Planning, Implementation, and Funding	The South Carolina Legislature authorize recurring funding for state water planning activities, including river basin planning. Currently, nearly all the funding for the river basin planning process has come from the legislature.						
	The South Carolina Legislature should establish a grant program to help support the implementation of the actions and strategies identified each RBC's River Basin Plan. One example is Georgia's Regional Water Plan Seed Grant Program which supports and incentivizes local governments and other water users as they undertake their Regional Water Plan implementation responsibilities.						
Permits and Registrations	Water law and implementing regulations should not distinguish between registrations and permits. All water users that withdraw above the identified threshold should be required to apply for a water withdrawal permit. Current law allows for agricultural surface water users and all groundwater users withdrawing water outside of CUAs to register their water use rather than apply for permits.						
Regulatory Alignment with State Water Plan	The water withdrawal permitting process should specifically assess the permit application's alignment with the River Basin Plan (Broad RBC rec) or the legislatively approved State Water Plan (Lower Sav-Salk RBC rec)						
Water Education	The State should support and fund RBC-led and statewide water education programs that include all sectors of water use and promote the types of water management strategies recommended in River Basin Plans.						

1. The Upper Savannah RBC added the word “new” to its recommendation.
2. The Lower Savannah / Salkehatchie RBC recommends “effective and enforceable.”

RBC Consensus	RBC Majority Approval	Not Discussed
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RBCs Most Common/Similar Recommendations

-  The State should support statewide water education programs through existing agencies such as Cooperative Extensions, (etc.) that include all sectors of water use and promote the types of water management strategies recommended in River Basin Plans.

Other Notable Recommendations



- Water users should continue to identify partnerships and alternative sources including interconnections to build resilience and ensure adequate quantity of water. **[Saluda]**



- Water utilities within watersheds should consider partnership and collaboration opportunities. Partnership is one tool to better manage the availability of water resources and build resilience. **[Saluda]**



- The Saluda RBC strongly recommends counties and municipalities prioritize and incentivize native tree canopy protection and permanent vegetative cover within headwater streams and along riparian areas. Trees and tree canopies provide ecosystem services for watersheds by protecting headwater streams, slowing evapotranspiration, cooling waters, slowing runoff, and directly affecting surface drinking water supply. Trees are the cornerstone of ecosystem services for watersheds. **[Saluda]**

Other Notable Recommendations



- SCDNR/SCDES should review the science behind MIF standards to ensure they are based on best available science to adequately protect **designated uses and recognize regional differences**. During discussion, members of the Saluda RBC noted that SCDNR/SCDES should routinely review its MIF methodology because best practices for determining MIF may change in the future. **[Saluda]**

Other Notable Recommendations



Regulation 61-119 Surface Water Withdrawal, Permitting, Use and Reporting should be reviewed to ensure consistency with the South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act, including a review of the existing definition of “safe yield” (SY) in the implementing regulations. SY should be redefined to be consistent with the law and protective of minimum instream flow requirements that safeguard the integrity and designated uses of state waters. For example, Regulation 61-119 states that for stream segments not impacted by impoundment, SY is calculated at the point of withdrawal as 80 percent of the mean annual daily flow (MADF). Since MIF is calculated as 20, 30, or 40 percent of the MADF, depending on the month, by definition, in months where MIF is 30 or 40 percent of MADF, MIF will not be achieved if the full safe yield is withdrawn. **[Saluda]**

Other Notable Recommendations

- The RBC supports the reduction of sediment loading to reservoirs and waterways through:



- Streambank restoration, riparian buffers, and other practices that reduce sediment load to streams and reservoirs.
- Sustainable development that implements green infrastructure and BMPs to reduce downstream runoff.
- Encouraging local governmental ordinances with incentives for green infrastructure.
- More enforcement, monitoring, and maintenance of stormwater controls and sediment and erosion control measures. Strengthen penalties for non-compliance with stormwater and erosion/sediment control permits, plans, and ordinances.
- Strengthened stormwater design standards to capture larger storm events.
- Incentives to landowners to not sell their land to development and, rather, place them in permanent protected status, such as through conservation easements.
- Incentives that encourage farming practices that minimize soil disturbance, reduce soil loss, and improve soil health.
- Use of USDA Environmental Quality Incentives Program (EQIP) program for regenerative farming practices that minimize soil disturbance, reduce soil loss, and improve soil health.
- Studies to better identify sediment loading sources and the financial costs associated with mitigating those sources to our reservoirs and waterways. [\[Saluda\]](#)

Other Notable Recommendations



- State and local governments should continue to develop/review/update/adopt and enforce laws, regulations, policies, and/or ordinances that improve the management of stormwater runoff, encourage infiltration, minimize streambank erosion, reduce sedimentation, and protect water resources. The following are RBC-recommended best management practices:
 - Riparian buffer protection
 - Open space protection
 - Strengthening stormwater regulations to minimize stormwater runoff volume from construction sites
 - Incentivizing green infrastructure in development designs
 - Allocating local funding sources for land conservation. **[Saluda]**

Other Notable Recommendations

- **The RBC or the PPAC should develop a model riparian buffer ordinance for local jurisdictions to consider.** Such an ordinance would need to consider what size streams the ordinance applies to and how that is determined. A model ordinance is expected to be part of the Catawba-Wateree Integrated Water Resources Plan, an update to the 2014 Water Supply Master Plan. **[Broad]**



Other Notable Recommendations

- The Surface Water Withdrawal, Permitting, Use, 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. **[Edisto]**
- The Surface Water Withdrawal, Permitting, Use, 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. **[Edisto]**
- A cost share program should be developed to drill deeper wells into aquifer units with less development pressure, and operate them **[Pee Dee]**.

Other Notable Recommendations

-  • The Legislature should approve and adopt the State Water Plan and subsequent updates. [LSS]
-  • **Local governments and land managers should coordinate to reduce sediment loading to waterways.** Sedimentation has been identified as a threat to the basin's water resources. Small impoundments (i.e., farm ponds) can become filled with sediment and lose their ability to store enough water and maintain irrigation during dry periods. Sediment loading also impacts water quality and habitat. The RBC recognizing that the identification and selection of specific BMPs to reduce sediment loading will vary by locale. The RBC encourages local governments and land managers to identify solutions specific to their needs and location. [LSS]

Policy, Legislative, and Regulatory Recommendations Put in the **Yellow Bucket** or Parking Lot

- **Water law and implementing regulations should not distinguish between registrations and permits.** All water users that withdraw above the identified threshold should be required to apply for a water withdrawal permit. Current law allows for agricultural surface water users and all groundwater users withdrawing water outside of Capacity Use Areas to register their water use rather than apply for permits.
- **The water withdrawal permitting process should specifically assess the permit application's alignment with the current River Basin Plan [or alternatively, the legislatively approved State Water Plan].**
- **Duration of Permit – Is every 5 years for groundwater permit review and renewal too restrictive? Concern expressed that it hinders long-term planning and impacts investment in infrastructure.**