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State needs water permitting law

By Dana Beach and Brad Wyche

For generations South Carolinians have taken their abundant freshwater resources for granted. Only in the last 15-20 years, with extreme droughts in South Carolina, have we realized that we face the same challenges as other parts of the country when it comes to serious water shortages.

The Greenville News just ran an excellent series on South Carolina's freshwater supply and the economic and political challenges we will face as demand for this finite resource increases. But admitting we have a problem is just the first step -- more importantly, we need protective legislation and responsible oversight in the form of a statewide permitting program.

We can't control the rain and we can't predict a drought, but we can and should do everything possible to efficiently manage the water that's already in our rivers and streams. South Carolina's freshwater resources are a tremendous natural asset to our economy and a key component of the quality of life that makes this state a desirable place to live and work. South Carolina's manufacturing industries, its \$15 billion agricultural and forestry industries, and its \$17 billion tourism industry are completely dependent on the availability and health of our waters.

Unfortunately, without water permitting legislation, South Carolina has little authority over how our waters are used. As matters currently stand, users can take as much water as they like from a source without regard for its physical and biological integrity, unless it is being transferred to another water basin. The only requirement is that withdrawals of more than 3 million gallons per month be reported.

During the two most recent droughts, large industrial users came within days of ceasing operations while streams, lakes and groundwater levels across the state fell to record lows. In one instance, a major employer in the Rock Hill area struggled to keep its doors open because the Catawba River level was too low to assimilate waste. Both the company and the city of Rock Hill, which depends on the same source for its drinking water, could only watch helplessly as a merchant power company made plans to locate a new plant upstream.

Most stakeholders agree that South Carolina needs a surface water withdrawal permitting program that gives the state authority over surface water withdrawals. State lawmakers had the opportunity to tackle this tough issue by passing the Surface Water Withdrawal Permitting Use and Reporting Act introduced by Sen. Wes Hayes during the most recent legislative session.

Unfortunately, a few powerful special interests held up a good water permitting bill, and the opportunity was lost.

The greatest debate over this bill centered on minimum flows -- the amount of water the state should keep in its rivers and streams for the public benefit, including agriculture and recreation. Existing water withdrawers would have been automatically grandfathered in at their current use, regardless of the amount. But a few industry representatives opposed the minimum levels recommended by state scientists, arguing that the state's minimum flows were too strict. The levels proposed by these special interests would have left many rivers and streams at or below the lowest recorded levels in decades, sacrificing the interests of other current businesses that depend on reasonable water levels, not to mention the fish and wildlife these waters sustain. Fortunately, their bad bill died in the Senate, but not before undermining the credibility of these industries to act in the best interests of our state.

The implications of South Carolina's lack of authority over its rivers and streams extend beyond our state. Most of our major rivers originate in other states, so we must also look beyond our borders to protect our interests in shared freshwater resources. Last year the S.C. attorney general filed a lawsuit against the state of North Carolina to block the transfer of millions of gallons per day of water out of the Catawba/Wateree river basin. The lawsuit, which is being considered by the Supreme Court, may take years to resolve and is certain to be expensive to the taxpayers of South Carolina, yet it is a fight we cannot avoid. South Carolina is also negotiating with Georgia over the shared use of the Savannah River.

In both cases, South Carolina will be at a severe disadvantage without a responsible withdrawal permitting program. Georgia has had one in place since 1976, and North Carolina has the authority to permit withdrawals through their capacity use program. In resolving how much of the Catawba/Wateree should go to South Carolina, the Supreme Court will reasonably ask how South Carolina manages its water. Our state needs to come to the court with a regulatory process in place as recommended in 2004 by the State Water Law Review Committee.

It is essential that legislators make protecting our water resources a priority when they return to Columbia next year. Jobs, communities, economic development, recreation and productive fisheries hang in the balance. Drafted properly, legislation can foster long-term economic development by promoting healthy riverine ecosystems, providing enough water in our rivers to provide for current users and the public's enjoyment and maintaining enough water for new growth.

A permitting bill will help set the course of our state's water use for years to come. Every South Carolinian has a stake in how our water resources are managed. Any law determining the fate of our water -- that most essential of our state's shared resources -- must be enacted with the utmost deliberation and public insight. South Carolina is rich in water. We must conserve wisely and invest intelligently to remain so.
