

Water permitting bill gets Senate OK, waits on House action

By John Staed

Wednesday, March 17, 2010

COLUMBIA — A bill that would require permits to withdraw water from the state's waterways goes before the full state House of Representatives next week, according to backers.

The bill was passed in the Senate last week and a companion bill written by state Rep. Don Bowen, R-Anderson, is expected to be taken up next week by the House after this week's budget hearings.

"We think that getting the permitting bill is a big step to where we need to go in South Carolina water planning," said Mike Massey, chairman of the Lake Hartwell Association's legislative committee. "We've got to have that bill before we really can do anything else."

Right now, there is not a good source of information on how much water is used from the state's water basins, Massey said. The bill would allow planners to know "who's using, how much water they are using and so forth."

The Lake Hartwell Association has backed the bill and another bill that would put one state agency in charge of South Carolina water issues.

Now, the Department of Natural Resources and the Department of Health and Environmental Control divide water oversight duties, Bowen and Massey have said. That can lead to confusion over management of the state's water systems, they said. It also complicates water negotiations with other states, Bowen has said.

The management bill, which would address the issue of DNR and DHEC oversight confusion, appears to have a weak chance of passage this year, Massey said. For that to happen, the permitting bill would need to get approved, then the Legislature could take up the management bill, he said.

But DNR and DHEC have opposed the management bill, Bowen has said. The legislature is running out of meeting days to tackle the management bill.

"The chances ... are getting slimmer by the week because of the time factor," Massey

said. "We're still hopeful, but the chances are less than 50 percent."

The permitting bill, called the South Carolina Surface Water Withdrawal and Reporting Act, would require public hearings for new water withdrawals for interbasin transfer, charge for some permits, and require each permit holder to file an annual report on the quantity withdrawn, among other requirements.

The conservation group Upstate Forever supports the permitting bill, but would like to see some changes, said John Tynan, co-director of Upstate Forever's Clean Air and Water Program.

The group wants the bill to include requirements for analysis before any action is taken to change the natural flows of a river or waterway, which is not in the Senate bill. It also supports wording to allow downstream rights of those who live along waterways, which also is not in the Senate bill.

"Currently, the legislation, as it is written, says as long as a person has a permit, the downstream user has no recourse," Tynan said.

And the group would like to see clearer wording on what is an exempted impoundment of water. Tynan said the wording now "is ambiguous."

Overall, Tynan called the bill "a step in the right direction," but would like to see those changes in the House.

The Conservation Voters of South Carolina has supported the permitting bill, but wants permit holders grandfathered in to be required to apply for permits after 25 years and a "loophole that exempts industries and power plants from needing permits should be closed even though most of the water they use is returned to the source," according to its Web site.

"It's not a perfect bill, but you have to start somewhere," said Ann Timberlake, executive director of the Conservation Voters. "Most agree it is important to pass legislation so we can actually begin to issue permits and set a baseline on understanding who is using the water."

Bowen was in budget hearings and not available.

Massey said that while DHEC has opposed the management bill, the agency "has heard the call about what we are trying to do."

The Lake Hartwell Association would like to see water basin advisory councils set up to allow water users to participate in any decisions by the agencies.

"DHEC said they do want to do basic planning and will set up a Savannah River Basin Council," Massey said.



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