



Posted on Mon, Jun. 07, 2010

## Water law better than nothing, most agree

### State to restrict withdrawals by new companies from rivers

By SAMMY FRETWELL  
[sfretwell@thestate.com](mailto:sfretwell@thestate.com)

A new law intended to keep rivers from being sucked dry won't stop existing industries from using millions of gallons of surface water every day.

But the law will control withdrawals by new companies seeking to pump more water from rivers across South Carolina.

That's the essence of a compromise bill approved Thursday by the Legislature after five years of negotiations involving conservationists, farmers and big-business leaders.

Few are satisfied with the law, but many say it's a step in the right direction. The bill is awaiting Gov. Mark Sanford's approval. Indications are that he will sign it.

Sen. Paul Campbell said it was important to get a bill passed, even if neither businesses nor environmentalists like every aspect.

"This is one of the most significant pieces of legislation that passed this term," said Campbell, a Berkeley County Republican who shepherded the bill. "It's been five years in the making, but we finally got to it. I do think it moves us forward."

The law for the first time requires new industries to get permits if they want to withdraw more than 3 million gallons per month — or 36 million gallons per year — from a river. The state Department of Health and Environmental Control could turn down a permit request if a proposed withdrawal would take too much water from a river basin. The first permits likely would not be required for more than a year because companion regulations must be developed.

Existing industries would be guaranteed permits, the law says.

Historically, industries have taken all the surface water they wanted from rivers — without any state review or permission. Among the largest users of surface water are nuclear power plants and public water systems.

Otis Rawl, chief executive with the S.C. Chamber of Commerce, said he worries that the new requirements will chill industrial expansion in South Carolina, but he said the measure protects the amount of water now being used for existing companies.

Rawl said the full effects of the law won't be known immediately.

"Most people believe it was better to get something," Rawl said. "Things are just going to have to play out, and we'll have to see where the pitfalls are."

Conservationists are pleased with some aspects of the bill.

Among other things, the law has a provision to maintain minimum seasonal flows in rivers.

That would protect fish and wildlife that need variable amounts of water in rivers at different times of the year. Some fish, for instance, need higher water during the winter and spring for spawning. Trees that thrive in flood plains, such as at Congaree National Park, also need high water at certain times of the year.

Any new permits would have to take into account seasonal flows.

In addition, the bill requires more thorough reporting requirements for existing businesses that use large amounts of water. Some businesses now report withdrawals to DHEC. But the new rules will give the state a more comprehensive look at who is using the most water, said Patrick Moore, a lobbyist for the S.C. Coastal Conservation League.

Requiring permits and improving reporting requirements will make it easier for South Carolina to negotiate water agreements with other states, supporters say.

The law, however, won't require companies that plan to use large volumes of water from lakes to go through a rigid state review. The law says such companies must be granted permits.

That has raised questions about whether nuclear plants — among the largest users of water in South Carolina — are getting a free pass.

"The utilities still need stricter water withdrawal controls on them," said Tom Clements, a regional representative of Friends of the Earth, which opposes nuclear expansion.

New nuclear reactors proposed by SCE&G north of Columbia are expected to consume 35 million to 40 million gallons of water every day.

Upstate Forever, a conservation group headquartered in Greenville, also says the bill limits lawsuits by people downstream, and it allows existing industries the right to water forever — and that's a bad idea.

"We would describe the bill as one step forward and a half-step back," Upstate Forever director Brad Wyche said. "It's a small step in the right direction."

Nonetheless, Moore said he's glad the negotiations have been completed and the Legislature has recognized the need for South Carolina to better manage surface water.

Most conservation groups signed off on the compromise legislation.

"It's the first time the state has ever recognized that there should be a permit process in place to protect the public's interest in public water," he said. "We need to make sure you're protecting other downstream users, the public's interest in fish and wildlife, navigation and recreation. That's why this bill is important."

---

Reach Fretwell at (803) 771-8537.

© 2010 TheState.com and wire service sources. All Rights Reserved. <http://www.thestate.com>