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CHAPTER 4.

 SOUTH CAROLINA SURFACE WATER WITHDRAWAL AND REPORTING ACT

**SECTION 49‑4‑10.** Short title.

This chapter may be cited as the South Carolina Surface Water Withdrawal and Reporting Act.

**SECTION 49‑4‑20.** Definitions.

As used in this chapter:

(1) “Board” means the Board of the Department of Health and Environmental Control.

(2) “Department” means the Department of Health and Environmental Control.

(3) “Dewatering operations” means an operation that is withdrawing surface water for the purpose of draining an excavation or preventing or retarding flow into an excavation. Such an operation would include, but is not limited to, water and sewer line construction and excavating for a building foundation.

(4) “Diffuse surface water” means water on the surface of the earth not located in defined courses, streams, or water bodies.

(5) “Emergency withdrawal” means the withdrawal of water, for a period not exceeding thirty days, for the purpose of firefighting, hazardous substance waste spill response, or both, or other emergency withdrawal of water as determined by the department.

(6) “Existing surface water withdrawer” means a surface water withdrawer withdrawing surface water or a proposed surface water withdrawer with its intakes under construction before January 1, 2000.

(7) “New surface water withdrawer” means a person who becomes a surface water withdrawer after December 31, 1999.

(8) “Person” means an individual, firm, partnership, association, public or private institution, municipality, or political subdivision, governmental agency, public water system, or a private or public corporation organized under the laws of this State or any other state or county.

(9) “Public water system” means a water system as defined in Section 44‑55‑20 of the State Safe Drinking Water Act.

(10) “Surface water” means all water, which is open to the atmosphere and subject to surface runoff which includes lakes, streams, ponds, and reservoirs.

(11) “Surface water withdrawer” means a public water system withdrawing surface water in excess of three million gallons during any one month and any other person withdrawing surface water in excess of three million gallons during any one month from a single intake or multiple intakes under common ownership within a one‑mile radius from any one existing or proposed intake.

**SECTION 49‑4‑30.** Exemptions.

The following are exempt from this chapter:

(1) dewatering operations;

(2) emergency withdrawals;

(3) a person withdrawing surface water for environmental remediation purposes;

(4) a person withdrawing surface water from any pond completely situated in private property and which is supplied only by diffuse surface water;

(5) a person required to obtain a permit under the Interbasin Transfer of Water Act, Section 49‑21‑10, et seq.;

(6) a person withdrawing, using, or discharging surface water for the purpose of wildlife habitat management.

**SECTION 49‑4‑40.** Registration.

(A) An existing surface water withdrawer in the State shall register its surface water use with the department on forms provided by the department no later than January 1, 2001.

(B) An existing surface water withdrawer already registered with the department is exempt from subsection (A).

(C) A surface water withdrawer shall submit a registration form to the department within thirty days after completing construction of its surface water intake.

**SECTION 49‑4‑50.** Reports of quantity of water withdrawn; methods for determining quantity.

(A) A surface water user in the State shall file annually before January thirty with the department a report, on forms furnished by the department, of the quantity of water withdrawn.

(B) The quantity of surface water withdrawn must be determined by one of the following:

(1) flow meters accurate to within ten percent of calibration;

(2) the rated capacity of the pump in conjunction with the use of an hour meter, electric meter, or log;

(3) the rated capacity of the cooling systems;

(4) any standard or method employed by the United States Geological Survey in determining these quantities;

(5) any other method found to provide reliable water withdrawal data approved by the department.

(C) The surface water withdrawer is not required to submit the surface water withdrawal report required by subsection (A) if the monthly quantity withdrawn from each intake is being reported to the department as a result of another environmental program reporting requirement, permit condition, or consent agreement.

**SECTION 49‑4‑60.** Powers of department.

The department may:

(1) adopt and modify regulations to implement the provisions of this chapter;

(2) perform acts and issue orders as necessary to carry out the purposes and requirements of this chapter;

(3) administer and enforce this chapter and regulations promulgated and orders issued or effective under this chapter; and

(4) present proper identification and then enter upon any land or water for the purpose of conducting an investigation, examination, or survey contemplated by this chapter.

**SECTION 49‑4‑70.** Notification of change.

A registered surface water withdrawer shall notify the department in writing within thirty days of constructing a new intake changing the method of measuring the withdrawal, ceasing to withdraw surface water, abandoning an intake, or a change in ownership.

**SECTION 49‑4‑80.** Violations of chapter or regulation; civil and criminal penalties.

(A) A person wilfully violating a provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars a day for each violation.

(B) A violation of a provision of this chapter or a regulation promulgated under the authority of this chapter, renders the violator liable to the State for a civil penalty of not more than one thousand dollars a day for each violation.

(C) The department may administer penalties as otherwise provided herein for a violation of this chapter, an order, regulation, or standard or may request the Attorney General to commence an action under this subsection in an appropriate court of the State to secure a penalty.

(D) The department may cause to be instituted a civil action in any court of applicable jurisdiction for injunctive relief to prevent violation of this chapter or an order issued pursuant to this chapter.

(E) Civil penalties collected pursuant to this section must be deposited in the general fund of the State.