LOCAL NEWS

Limits on water withdrawals advance

Bill requiring new industies, utilities to get state OK moves to full Senate

By Sammy Fretwell
THE STATE
sfretwell@thestate.com

A plan to stop unchecked water withdrawals from South Carolina rivers lurched forward Wednesday after more than four years of negotiations between industries and conservation groups.

A Senate committee approved a bill requiring new or expanding industries and utilities to get state approval before siphoning large amounts of water from Palmetto State rivers.

Conservationists and some senators said the bill has too many loopholes, but many agreed it's important to keep the bill alive for further discussion. The bill now goes to the full Senate for consideration this winter.

"We are .... way too close now to relinquish the handhold we have with each other," Senate Agriculture Committee chairman Danny Verdin, R-Laurens, said.

Under current state law, industries, farms and utilities can take as much water from rivers and creeks as they want. That means withdrawals upstream could dry up sections of a river downstream.

The bill sent Wednesday to the full Senate is an effort to reduce that threat. New industrial and utility users would need state approval and a permit before they could take 3 million gallons or more per month from rivers, while existing industries could operate as they have.

Industrial groups and utilities have been at war with conservationists since at least 2008 over proposals to control withdrawals from rivers.

A key issue is the need by utilities for water to supply new nuclear plants. Duke Energy, for instance, proposes a nuclear plant near Gaffney that would need more than 30 million gallons a day from the Broad River basin.

But critics say unregulated withdrawals could come at the expense of fish and wildlife, or other industries downstream.

A bill introduced in 2007 by Sen. Wes Hayes, R-York, died in the Legislature the following year after conservationists and business leaders reached an impasse.

This year's bill is so important that an overflow crowd of lobbyists, business leaders and environmentalists showed up Wednesday to listen to the Senate committee's debate. The bill is in the second year of a legislative cycle, meaning if it doesn't pass by June, it will die.

While conservationists are glad the measure is still alive, they said the bill still has plenty of problems — and Sen. Chip Campsen, R-Charleston, said he'll fight to fix those problems when the bill reaches the full Senate.

Sen. Paul Campbell, a Berkeley County Republican who spearheaded efforts to craft the bill, said that could doom the legislation.

Chief among the concerns: Companies that already withdraw water from rivers could get automatic approval to withdrawing the amount they now use. "Grandfathering" companies that already take water from rivers effectively gives them the right to take that same amount forever, conservationists said. The bill also limits lawsuits against companies withdrawing water.

In contrast, new industries would be reviewed and could be turned down by state regulators if the proposed withdrawals hurt water levels downstream.

Bill supporters say a state permitting law is important in negotiations with other states over rights to common rivers. South Carolina is only one of three eastern states that doesn't have the ability to issue permits for surface water withdrawals, according to the conservation group American Rivers.

Without a permitting law, South Carolina, for instance, can't guarantee it would uphold its end of any accord with Georgia over use of the Savannah River, said Gerrit Jobsis, a regional official with American Rivers.