Existing Surface Water Withdrawers: Informational Forum for Preparing Permit Application

PROMOTE PROTECT PROSPER
South Carolina Department of Health and Environmental Control

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Bureau of Water

June 28, 2012

- Existing Surface Water Withdrawal Permit Application:

  http://www.scdhec.gov/surfacewater
- Surface Water Withdrawal, Permitting, Use and Reporting Act:

  http://www.scstatehouse.gov/code/t49c004.php
- Regulation R.61-119, Surface Water withdrawal, Permitting, Use and Reporting: http://www.scdhec.gov/environment/water/regs/r61-119.pdf

Questions?

Note: Frequently Asking Questions will be added and updated to the DHEC website. Email questions to: swinfo@dhec.sc.gov

Presentation will be posted at:

http://www.scdhec.gov/surfacewater

Surface Water Permitting

- Act 247 of 2010, *The Surface Water Permitting, Withdrawal, and Reporting Act*, approved by the General Assembly on June 7, 2010
- Act effective January 1, 2011
- Regulation R.61-119 approved by Legislature and Effective June 22, 2012
- Purpose is to manage and protect surface water resources of the state

Surface Water Withdrawer

A Surface Water Withdrawer is a person withdrawing 3 million gallons or more of surface water 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.

Existing Surface Water Withdrawer

An Existing Surface Water Withdrawer is a surface water withdrawer withdrawing surface water as of the effective date of this chapter or a proposed surface water withdrawer with its intakes under construction before the effective date of this chapter or with all necessary applications for its intake permits deemed administratively complete before January 1, 2011.

Existing Surface Water Withdrawers (Continued)

- An Existing Surface Water Withdrawer must submit application within 180 days of effective date of regulation to receive grandfathered withdrawal amount (Section 49-4-70 of Act)
- Regulation effective June 22, 2012 so an application must be submitted with fee by COB on **December 19, 2012**.

Exemptions for Surface Water Permitting

- Withdrawals associated with active instream dredging or sand-mining operations or other nonconsumptive instream mining operations undertaken pursuant to the SC Mining Act;
- Emergency withdrawals;
- Agricultural uses from farm ponds:
  - (a) owned or leased by the person making the withdrawal; or
  - (b) situated on two or more separately owned parcels of private property if each property owner agrees to the withdrawal;

Exemptions for Surface Water Permitting (continued)

- A person withdrawing surface water from any pond completely situated on private property and which is supplied only by diffuse surface water or springs completely situated on the private property or by groundwater withdrawals
- Naturally occurring evaporation from impoundments
- A person withdrawing, using, or discharging surface water for the purpose of wildlife habitat management

Exemptions for Surface Water Permitting (continued)

- A special purpose district withdrawing surface water from any pond completely situated on property owned by a special purpose district and which is supplied only by diffuse surface water or springs completely situated on the special purpose district's property
- Hydropower generation, including pumped storage, is exempt from the permitting but not reporting

Exemptions for Surface Water Permitting (continued)

- Exempt users are allowed to obtain a permit
- Agricultural uses get Registrations per the Act but can get a Permit
- The Act is not applicable to withdrawers who use less than 3 million gallons of surface water in any month

Existing Surface Water Withdrawers

- Applications for initial permits submitted for each facility that withdraws surface water (e.g., manufacturing plant or treatment plant)
- A facility application can include more than one withdrawal intake
- Fee for each application is $1000
- Permits will be issued for each facility
- DHEC has 365 days (after admin complete) to issue the permit decision or return fee
- Annual operating fee is $1000 per intake after permit issued (should start July 1, 2013)

Reporting Requirements

- Report monthly water withdrawal each calendar year by February of following year
- Reporting will be on a form supplied by the Department
- Reporting will be very similar to what has been done in the past

Existing Withdrawer Permit Application
Section A: General Information

- Facility Information
- Owner Contact Information
- Agent Contact Information

Existing Withdrawer Permit Application
Section B: System Withdrawal Information

- Total amount of water requested (sum of all intakes amounts)
- Place and nature of the use:

  Here we want a general discussion of where and how the water will be used. We aren't expecting reams of maps and a legal delineation of the service area, just a general discussion of where and how the water will be used

Section B: System Withdrawal Information (continued)

- Total number of withdrawal points in application
- The length of time for which permit is being requested:
  - The Act requires that an initial permit issued to an existing withdrawer be for a minimum of 30 years but allows up 40 with justification and up to 50 years to cover bond or revenue certificate debt.
  - The applicant will need to provide appropriate documentation with application to request a permit duration longer than 30 years

Section B: System Withdrawal Information (continued)

- Interbasin Transfers (IBTs)
  - Information requested here is to determine the appropriate withdrawal and transfer amounts to be included in the permit when appropriate.
  - IBT designation in existing surface water withdrawal permits and in future permits will be based on the eight basins identified in R.61-119 (not 16 basins like past) so some past IBTs will not be identified as having an IBT in existing surface water withdrawal permits

Broad
Catawba
PeeDee
Savannah
Saluda
Edisto
Santee
Salkehatchie

Existing Withdrawer Permit Application
Section C: Intake Specific Withdrawal Information

- General location information
- Provide information/calculations to support withdrawal amount

Section C: Intake Specific Withdrawal Information (continued)

- Criteria for Determining Withdrawal Amount in Permit
  - An amount equal to its documented historical water use;
  - Current permitted treatment capacity;
  - Design capacity of the intake structure as of Jan. 1, 2011;
  - Design capacity of a pending intake structure permit application as of Jan. 1, 2011;

Section C: Intake Specific Withdrawal Information (continued)

- Criteria for Determining Withdrawal Amount in Permit (continued)
  - Amount necessary to recover indebtedness from bond or revenue certificate issued through the sale of water, prior to Jan. 1, 2011;
  - IBT permit or registration holders the transfer or withdrawal amount; or
  - For a publicly owned water utility, the safe yield of the utility's existing or permitted water supply only reservoir, whichever is greatest.

Section C: Intake Specific Withdrawal Information (continued)

- Act lists five methods to measure the quantity of water withdrawn:
  - Flow meters
  - The rated capacity of the pump;
  - The rated capacity of the cooling system;
  - Any standard or method employed by the USGS in determining these quantities;
  - Other method approved by the department (need to document method and accuracy)

Existing Withdrawer Permit Application
Section D: System Water Return Information

- Act (49-4-100) requires permit to include amount and location where permitted withdrawal amount is returned and R.61-119 Section D.1.f requires this information in the application
- Will need for water balances and safe yield analysis for new withdrawals
- Simple for some, complex for others (e.g., large public water supply systems)
- Request estimate of current return percentages and/or future plans for returns to estimate amount and location of returns for total permitted withdrawal amount

Section D: System Water Return Information (continued)

- Information about known future discharge locations and amounts can be submitted with application to better estimate returns for the total permitted withdrawal amount
- Percentages can be determined based on average annual withdrawals and returns or other representative timeframes or information
- Returns for facilities operated and not operated by applicant need to be in the permit
- Only requesting information for significant returns (approx. 5% of withdrawal amount or greater)

Section D: System Water Return Information (continued)

- Consumptive use required per R.61-119 and should be estimated using percent return information in this section

Example Return and Consumptive Use Calculation

- Current Average Annual Withdrawal for Facility with Two Intakes = 100 Million Gallons Month (MGM)

- Current Average Annual Discharge for Three NPDES Discharges That Receive Withdrawn Water
  - NPDES Location A = 20 MGM = 20% return
  - NPDES Location B = 35 MGM = 35% return
  - NPDES Location C = 25 MGM = 25% return

- Total Return = 80%; therefore,
  Consumptive Use = 20% of Withdrawn Water

Example Return and Consumptive Use Calculation (continued)

- Total Withdrawal in Permit = 160 MGM

- Return Amounts in Permit*

NPDES Location A = 160 MGM x 20% = 32 MGM
NPDES Location B = 160 MGM x 35% = 56 MGM
NPDES Location C = 160 MGM x 25% = 40 MGM

*Unless additional information about future discharge locations and/or amounts is provided

- Consumptive Use Amount in Permit:
  160 MGM x 20% = 32 MGM

Existing Withdrawer Permit Application
Section E: Request for Additional Flow

- Act allows an existing withdrawer to request an additional withdrawal amount, over and above the max allowed by 49-4-70(B)(1) and an existing IBT permit/registration
- Additional withdrawal amount requests will be evaluated under the criteria for new withdrawals
- A separate application on the “new withdrawer” form available from DHEC will have to be submitted

Existing Withdrawer Permit Application
Section F: Non-consumptive Use Permits

- Section 49-4-40 of the Act allows for non-consumptive use permits
- Permit holder will need to monitor to make sure the non-consumptive use permit criteria are not exceeded

Section F: Non-consumptive Use Permits (continued)

- A non-consumptive use permit is only for those withdrawing water and returning at least 90% of it to the water of origin within the contiguous boundary of the property owned by the withdrawer
  - The amount not returned cannot exceed 3 million gallons per month
  - The amount withdrawn cannot significantly reduce the safe yield at the withdrawal point

Existing Withdrawer Permit Application
Section F: Fees

- $1,000 application fee must accompany initial application
- Subsequent annual operating fees:
  - Will be assessed at $1,000 per intake
  - Will be due annually beginning July 1 following initial permit issuance (start July 1, 2013)

Final Comments about Application

- Include all requested information so application will be “Administratively Complete” to start formal permit decision process
- Include Fee
- Appropriate Signature per instructions

Operations and Contingency Plan for Low Flow Conditions

- Operations and Contingency Plan for Low Flow Conditions **not** required in application
- Plan submittal will be a requirement of the permit (see R. 61-119 Section D.4.e)
- For existing users, the plan will "only address appropriate industry standards for water conservation" (see Act Section 49-4-70(B)(2) and R. 61-119 Section D.3)

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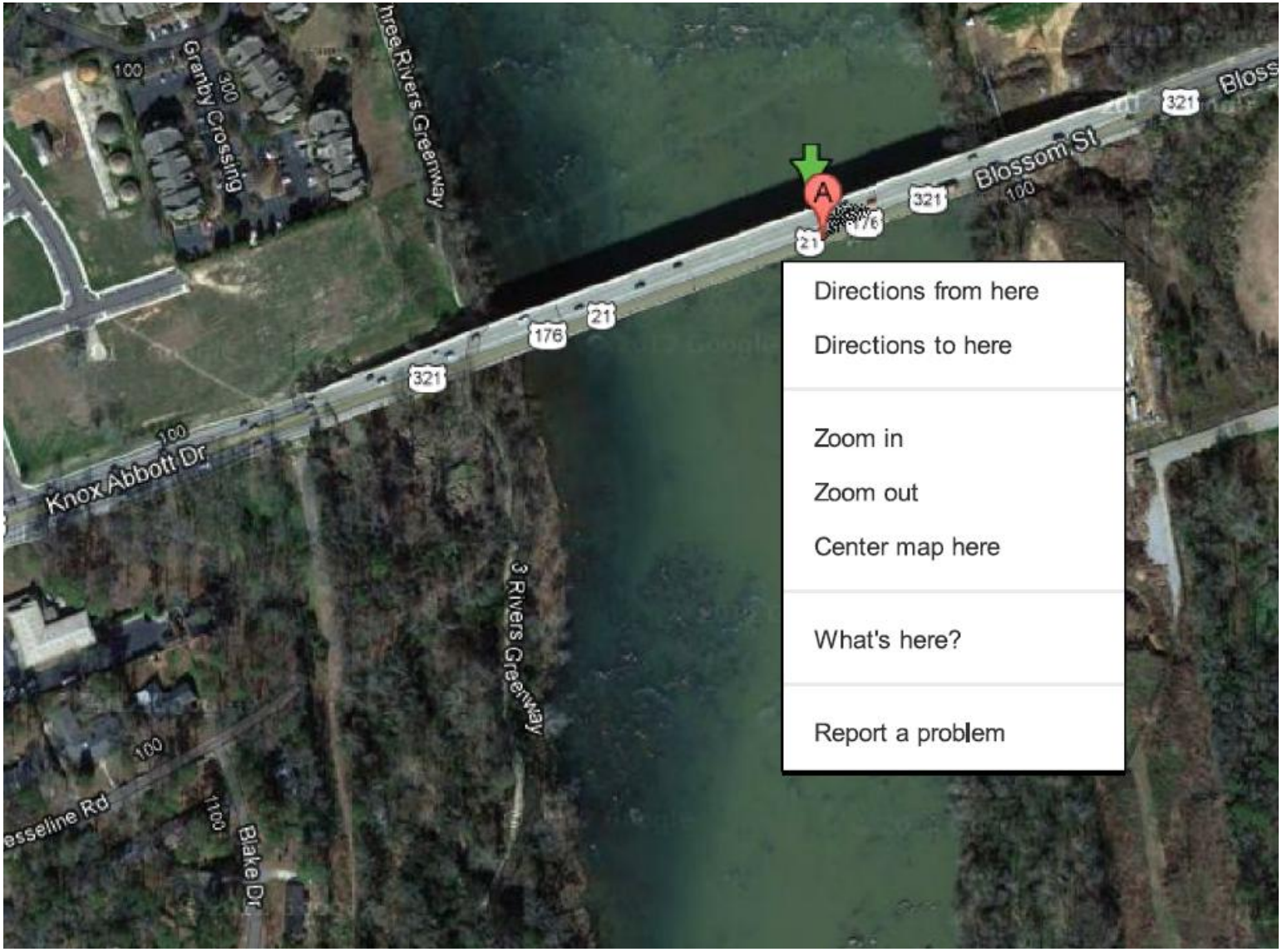
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