

CHAPTER 3
Water Resources Planning and Coordination Act

SECTION 49-3-10. Short title.

This chapter may be cited as the South Carolina Water Resources Planning and Coordination Act.

HISTORY: 1962 Code Section 70-21; 1967 (55) 60; 1993 Act No. 181, Section 1244.

SECTION 49-3-20. Definitions.

As used in this chapter:

- (1) "Board" means the governing body of the Department of Natural Resources.
- (2) "Department" means the Department of Natural Resources.

HISTORY: 1962 Code Section 70-22; 1967 (55) 60; 1969 (56) 72; 1962 Code Section 70-22; 1967 (55) 60; 1969 (56) 72; 1993 Act No. 181, Section 1243; 1993 Act No. 181, Section 1244.

SECTION 49-3-30. Transfer of former Water Resources Commission to Water Resources Division of Department of Natural Resources; transfer of regulatory powers to Department of Health and Environmental Control.

The former Water Resources Commission without its regulatory functions is hereby transferred to the Water Resources Division of the Department of Natural Resources and is directly accountable to and subject to the board of the Department of Natural Resources. The Water Resources Division shall be directly accountable to and subject to the Department of Natural Resources. The regulatory functions of the former Water Resources Commission are transferred to the Department of Health and Environmental Control.

HISTORY: 1962 Code Section 70-23; 1967 (55) 60; 1969 (56) 72; 1993 Act No. 181, Section 1244.

SECTION 49-3-40. Powers and duties of department.

(a) The department shall advise and assist the Governor and the General Assembly in:

- (1) formulating and establishing a comprehensive water resources policy for the State, including coordination of policies and activities among the state departments and agencies;
- (2) developing and establishing policies and proposals designed to meet and resolve special problems of water resource use and control within or affecting the State, including consideration of the requirements and problems of urban and rural areas;
- (3) reviewing the actions and policies of state agencies with water resource responsibilities to determine the consistency of such actions and policies with the comprehensive water policy of the State and to recommend appropriate action where deemed necessary;
- (4) reviewing any project, plan or program of federal aid affecting the use or control of any waters within the State and to recommend appropriate action where deemed necessary;
- (5) developing policies and recommendations to assure that the long range interests of all groups, urban, suburban, and rural, are provided for in the state's representation on interstate water agencies;
- (6) recommending to the General Assembly any changes of law required to implement the policy declared in this chapter; and
- (7) such other water resources planning, policy formulation and coordinating functions as the Governor and the General Assembly may designate.

(b) The department is authorized to conduct or arrange for such studies, inquiries, surveys or analyses as may be relevant to its duties in assisting the Governor and the General Assembly in the implementation of the policy declared in this chapter, and in developing recommendations for the General Assembly. For these purposes, the department shall have full access to the relevant records of other state departments and agencies and political subdivisions of the State, and may hold public hearings, and may cooperate with or contract with any public or private agency, including educational, civic and research organizations. The

studies, inquiries, surveys, or analyses shall incorporate and integrate, to the maximum extent feasible, plans, programs, reports, research and studies of federal, state, interstate, regional, metropolitan and local units, agencies and departments of government.

(c) In developing recommendations for the Governor and the General Assembly relating to the use and control of the water resources of the State, the department shall:

(1) coordinate its activities by distribution of copies of its notices of meetings with agenda, minutes and reports of all state agencies concerned with water resources;

(2) consult with representatives of any federal, state, interstate, or local units of government which would be affected by such recommendations; and

(3) be authorized to appoint such interdepartmental and public advisory boards as necessary to advise them in developing policies for recommendations to the Governor and the General Assembly.

(d) The department shall encourage, assist and advise regional, metropolitan, and local governmental agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and shall assist in coordinating local water resources activities, programs, and plans.

(e) The department may publish reports, including the results of such studies, inquiries, surveys and analyses as may be of general interest, and shall make an annual report of its activities to the Governor and the General Assembly within ten days after the convening of each session of the General Assembly.

(f) The department may receive and expend grants, gifts, and monies donated or given by any state or private agency, person, corporation, water or sewer authority, or political subdivision in connection with water resource investigations in which the results of such investigations will be made publicly available.

(g) The department is authorized and required to review and approve the expenditure of funds derived from the United States Army Corps of Engineers when any funds are authorized and appropriated for any water resources related projects or purposes, including but not limited to, the following:

(1) navigation,

(2) irrigation,

(3) water storage,

(4) aquatic weed management,

(5) flood control,

(6) salinity control,

(7) interstate water concerns, and

(8) any studies, surveys, or analyses performed by the Corps of Engineers.

The review and approval required by this subsection is not applicable to any Corps of Engineers funds which must be expended in a different manner pursuant to express statutory direction.

HISTORY: 1962 Code Section 70-24; 1967 (55) 60; 1969 (56) 72; 1976 Act No. 466, Section 1; 1984 Act No. 512, Part II, Section 36; 1993 Act No. 181, Section 1244.

SECTION 49-3-50. Matters to be considered by department in exercising responsibilities.

In exercising its responsibilities under this chapter, the department shall take into consideration the need for:

(a) Adequate supplies of surface and groundwaters of suitable quality for domestic, municipal, agricultural, and industrial uses.

(b) Water quality facilities and controls to assure water of suitable quality for all purposes.

(c) Water navigation for recreational and commercial needs.

(d) Hydroelectric power.

(e) Flood damage control or prevention measures including zoning to protect people, property, and productive lands from flood losses.

(f) Land stabilization measures.

(g) Drainage measures, including salinity control.

(h) Watershed protection and management measures.

(i) Outdoor recreational and fish and wildlife opportunities.

(j) Any other means by which development of water and related land resources can contribute to economic growth and development, the long-term preservation of water resources, and the general well-being of all the people of the State.

HISTORY: 1962 Code Section 70-25; 1967 (55) 60; 1969 (56) 72; 1993 Act No. 181, Section 1244; 2008 Act No. 344, Section 1, eff six months after approval (approved June 11, 2008).

Effect of Amendment

The 2008 amendment, in item (c), substituted “for recreational and commercial needs” for “facilities”.