

**Catawba/Wateree River Basin Advisory Commission Meeting
Manchester Meadows Soccer Complex— Rock Hill, SC
Friday August 27, 2010**

1. Administrative Items:

- Call meeting to order - 10:00 am
- Previous (February 26, 2010) meeting minutes approved
- Introduction of all present at the meeting
- Commission members request to post the presentations on the commission website

2. Reports on New Surface Water Permitting Bill (David Baize, SCDHEC)

- Presentation was provided
- Bill addresses 2 main issues
 1. Better in-house water resource management
 2. Interstate agreement
- Key concepts presented briefly were: Grandfathering; New withdrawals permitted by DHEC; Minimum in-stream flow established; Min flows are seasonal; Safe yield to be determined; Riparian system to regulated riparian system; New users will have a low-flow contingency plan; Program is fee funded and has a sunset provision.
- Discussion:

How to determine allowable amount of withdrawal for a permit?
There are 8 criteria for what is “reasonable”.

How to determine re-opening permits?

A time period for un-used permits, not as clear if not using all of your permitted flow but does factor in to re-issues

Do we know the total withdrawal capacity?

No. It is a moving target because flow varies daily- not a constant.

The bill will be effective January 2011 with the regulation to be promulgated in the summer of 2011 to 2012 at which point permits can be issued. It was noted that the timeline creates economic uncertainty.

Are IBT's still permitted under this law?

Yes but triggers may change or how that process will work

One concern raised is what to do in between the effective date and the time the regulations are promulgated.

3. Report on New North Carolina Water Legislation (Tom Reeder, NCDENR)

- Presentation was provided
- 5 main bills for all 17 major river basins using last 80 years worth of data
- River Basin Modeling Bill includes:
 - Hydro models for all river basins to project water needs and shortages
 - Model requirements now codified and mandated
 - Establishes a Science Advisory Board (for all basins)

Includes interstate cooperation- next model will be Broad River Basin
Mandates public review process

Model purpose to support planning and to inform permitting

- Bill also defines terms such as: ecological flows; ecological integrity; groundwater resources; prevailing ecological flows.
- This sort of modeling is not in place yet in SC due to funding issues; NC uses 250K a year for modeling.
- Stakeholders concerned about existing Catawba basin model developed through the CRA; NCDENR clarified that a specific data model was not required specifically for that reason so that existing models could be used
- Commission members agreed that the current CRA model (developed by WMG) should be used for Catawba basin to start with
- The trigger point for issuance of withdrawal permit in NC and SC is the same at 3 million gallons a month
- Water Infrastructure Information Needs Bill supplements the EPA water and wastewater needs survey with more frequent data and incorporates that data into the State Water Supply Plan
- Also briefly discussed Water Supply Capacity Planning Bill, Modify Water Funding Priorities Bill and Conserve and Protect Ag Water Resources Bill

4. New PCB Fish Consumption Advisory (Chuck Gorman, SCDHEC)

- Presentation provided
- Issued fish consumption advisory (FCA) for PCBs for Lake Wateree in May 2010
- Overview of PCBs
- Map of fish consumption advisories- Lake Hartwell and Wateree have PCB advisories
- National Lake Fish Tissue Study was conducted by EPA
 - Screening study
 - One predator and one bottom-dwelling fish
 - All 500 lakes sampled had PCBs- 17% above screening value
- Collected black crappie, blue catfish, striped and largemouth bass from Lake Wateree- look at fish filet (edible portion)
- SC advisory levels based on advisory levels developed for the Great Lakes and adopted by the states that border the Great Lakes
- PCBs are persistent and move with sediment down river systems; reduction due mainly to environmental isolation; eventually will degrade chemically but not quickly
- Outreach efforts- advisory booklets (approximately 50,000 distributed each year), website and signs will be posted at public boat landings around the lake
- Additional sampling in Cedar Creek, Fishing Creek, Catawba River at Hwy 9, Lake Wylie to look at possible sources. No testing has yet been conducted below Lake Wateree
- Catawba River Keeper: sampled Mountain Island Lake- elevated levels in largemouth bass-filet composite sample- NC additional sampling- meal per week (0.07 ppm)

Jay Sauber from NCDENR Environmental sciences section

- 275 fish samples for PCBs in 20 years and 35% have elevated levels using less sophisticated analysis- EPA uses more updated congener analysis

- PCBs now ubiquitous and can come from wet and dry deposition so PCBs can and have been found in hydrologically disconnected lakes like Lake Phelps
- Atmospheric deposition of PCBs is now a widely accepted phenomenon and therefore, simple thinking of upstream/downstream transport is not a valid assumption by itself
- Working with NC on fish advisories has been a great success story

5. Discussion of Interstate Lawsuit and potential solutions

- Senators from SC and NC led the discussion
- SC AG's office staff attended the meeting
- Duke Energy: CRA purpose was to reach agreement on water resource allocation so the resulting document is a good basis for compromise in this lawsuit; recommended that the CRA be the starting point for negotiations
- SC's AG office: AG wants to emphasize amicable resolution and cooperation; goal to protect Catawba basin and keep water in the basin; CRA looks like an excellent starting point for the resolution
- It was noted that CRA did not address IBT issue
- Commission members advocates resolution by agreement- need to develop issues beyond CRA- Commission should recommend accepting the CRA model as the basis for negotiation
- A question was asked is the CRA model adequate? NCDENR indicated - yes for a macro-scale application like this
- Commission members motioned and adopted to endorse Duke's position and that Bi-State Commission should be included in process
- Goal to come to next meeting with principles for discussion; really need a workshop to come up with principles; both SCDHEC and NCDENR will play a major role
- Next meeting will have a more detail discussion regarding the time frames and drafting of principles for the commission to adopt

6. **WMG Update-** Funding in the works, water supply master plan for basin will be completed at the end of the year.

7. Commission Members in attendance:

- Rep. Jimmy Bales
- Gary Faulkenberry
- Rep. Mitch Gillespie
- Jimmy Bagley
- Tim Mead
- Sen. Wes Hayes
- Rick Lee
- Sen. Dan Clodfelter
- Mark Hollis
- Barry Gullet

8. Adjourn- 12:06pm