

Catawba Wateree Bi-State Commission Meeting Minutes February 13, 2009

- 1) **Chairman Sen. Sheheen called the meeting to order at 10 AM.**
 - Meeting was held in Bowater Room, Your Technical College, Rock Hill, SC
 - Welcoming remarks by the Chairman
 - Chairman introduced all 9 commission members present
 - Meeting minutes for the September 26, 2008 meeting were approved unanimously by the commission

- 2) **Old Business Items:**
 - Discussed that one of the goal of the commission was to engage officials in ending the interbrain transfer litigation
 - Drafted a letter to SC and NC attorney generals to help facilitate discussion (not to be used in litigation)
 - Senator Sheheen met with SC AG. SC AG indicated that it is not a good idea for SC side to agree to the letter sent by the commission (received a letter back and that was provided to all commission members)
 - Commission members commented on the letter and indicated their frustration regarding SC AG's position
 - Sen. Clodfelter - need to get NC AG to send SC AG suggestions about how to cooperate on this issue- need a mechanism and a process where by NC can participate in the discussions
 - Sen. Sheheen agreed with Sen. Coldfelter suggestion for NC AG to send a proposal to SC
 - Commission members indicated a need to find a way to work together
 - Jerry Campbell indicated that October 15, 2009 meeting opportunity for citizens to learn how to conserve water and energy was successful- had 50 people from city, county, developers etc. CMUD and Duke Energy are also part of this program.
 - David Baize talked about a similar Water Sense Program in SC. Goal to have a certification program to certify appliances like Energy Star

- 3) **Reports of New Surface Water Permitting Bill:**
 - Sen. Hayes has taken the lead and along with Sen. Sheheen has sponsored a bill this year
 - Heather Spires introduced Blan Holman (attorney with Southern Environmental Law Center) to give an update. Discussed Senate Bill 275 in SC, which would require water withdrawal, permits. One of the main issues is with minimum flows
 - The environmental community has argued for a minimum instream flow that varies by season and also has different standards for Piedmont and Coastal Plains
 - Heather Spires- stated that there's general agreement as to whether or not there should be a permit- most everyone agrees there should be permits and that there should be protection for existing users. However, parties disagree on min flows, the type of waters to be permitted and permit transfers (based on how the water is being/will be used)

- Sara Hopper introduced Tommy Lavendar on behalf of business, municipal, SC Chamber Tech, and SC Farm Bureau etc
 - Tommy Lavender pointed out that the regulated community used to be opposed to more regulations on water withdrawals- they wanted to know what the data said and there was very little data collected initially. However, now they say they support a *well-balanced* water withdrawal regulation based on 7Q10 because that's what's used for WLA. They then agreed to a 20% mean daily flow but not seasonal variations- want to address low flow conditions with off channel storage not permits. Regulated community doesn't agree with the science and believes that it is all over the board. Regulated community sees water withdrawal and interbasin transfer as one and the same and favors repelling the IBT law from the surface water-permitting bill in its current form
 - Sen. Hayes asked how does GA deal with this? David indicated they use monthly 7Q10 that gets at a seasonal variation
 - David Baize- implementation is a separate process- the bill only established a tool for regulating withdrawal. Currently, agriculture operations must register withdrawals but not the same as a permit. It is a mass balance approach between one point to another for downstream users
 - The current bill has more support both from regulated community and political entities, as it is a more balanced approach
 - Senator Clodfelter gave an update from NC- final report from Duke on what would be needed to move forward on a bill in NC- still very conceptual. NC approach is different than SC- starting with allocation (not permitting like SC) on a basin-by-basin basis because each of the 17 basins has different water needs and different political climates
- 4) WQ Report by Mihir Mehta (SCDHEC). The focus was on impaired waters, TMDLs, and restoration projects focusing on the Catawba Basin. Copy of the presentation was provided to all attendees
 - 5) Colleen Sullins (NCDENR). Presented on State's overall approach for maintaining and improving water quality
 - 6) Elections for the next Chair and Co-chair- NC will hold next Chair
 - Rep. Becky Carney for Chair
 - Rep. Jimmy Bales for Co-Chair
 - 7) Request for attendance records to be looked at and proposals be made for new members
 - 8) Adjourned at 1:15 p.m.