

Catawba/Wateree River Basin Advisory Commission
Meeting Minutes - April 19, 2013

Commission members present: Jeff Lineberger, Tim Mead, Wes Hayes, Jimmy Bagley, Ralph Norman, Mark Farris, Barry Gullet, Smitty Hanks, Rick Lee

1. Call Meeting to Order

- Chairman Lee called the meeting to order at 10:10 am.
- The Chairman allowed new Commission members to introduce themselves. Representative Ralph Norman replaced Representative Bailes and Mr. Jeff Lineberger replaced Mark Hollis as Duke's representative.
- Tom Reeder with NCDENR also noted that Representative Gillespie has been appointed NC Secretary of Environment and will likely be replaced by Representative Blackwell.
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2. Approval of Minutes

- The minutes from the October Commission meeting were approved.

3. Catawba Interbasin Transfer Update, Interbasin Transfers and Emergency Water Supply Planning

- David Baize with SCDHEC indicated that there are only two interbasin transfers (IBT) in the Catawba basin in South Carolina and that no new applications have been received.
- Tom Reeder with NCDENR discussed Charlotte Mecklenberg Utilities' (CMUD) IBT. He explained that CMUD was unable to transfer water to Mint Hill due to the presence of an endangered mussel in the Goose Creek Watershed. CMUD asked to have this transfer restriction lifted. NCDENR received no comments on the restriction removal so the Department fully expects the restriction to be lifted. Once this action is finalized, CMUD would be allowed to transfer water to Mint Hill but the amount of their IBT would not change.
- Mr. Reeder also explained that North Carolina has very stringent IBT regulations compared to most states. A bill has therefore been introduced to ease IBT restrictions under special conditions. The bill proposes that modifications of existing IBTs or IBTs in the coastal plain use an easier permitting process. There are currently 5 IBTs in North Carolina, 2 of which are in the Catawba Basin.
- The 2 IBTs in the Catawba are unlikely to be impacted by the bill, however, because bill sponsors explicitly stated that the Supreme Court case resolution will take precedence over the new bill.
- Mr. Lee asked if CMUD had any restriction on how much water they could transfer to Mint Hill. Barry Gullet explained that CMUD's overall IBT is for 32MGD but that there is not specification on where in the basin that water can be transferred.

4. Interstate Water Quality Monitoring Consistency

North Carolina

- Andrea Thomas and Mark Hale with NCDENR's Environmental Sciences Section gave an overview of monitoring efforts in Catawba basin including biological, lakes, ambient and

coalition monitoring.

- Although no monitoring results were shared during the presentation, they can be found online: portal.ncdenr.org/web/wq/ess/reports or through EPA's STORET database.
- Mr. Hale explained that, generally, macroinvertebrate and fish metrics had slightly improved during the last monitoring cycle but that the Department was unable to determine why.
- Senator Hayes asked about Catawba being one of the most endangered rivers. Smitty Hanks clarified that the status came from a report by American Rivers, which indicated a threat from potential coal ash pollution.
- Mr. Hale explained that no sources of PCBs had been identified yet but that the Department has plans to investigate the issue further. NCDENR has conducted some work on Badin Lake with Alcoa and the Health Department to identify sources of PCBs. David Chestnut with SCDHEC mentioned that since PCBs were outlawed over 30 years ago, it is unlikely that a specific source will be found.
- Rick Lee asked why PCBs have only recently been investigated. Mr. Hale explained that more detailed analysis and increased sampling has allowed for detection of PCBs recently. Mr. Chestnut explained that PCBs don't break down easily and tend to settle in the bottom of lakes. The concern is when they are reintroduced into food chain when sediment is disturbed. The natural process of new sediment burying the old, contaminated sediment will help correct the problem. This strategy has worked in Lake Hartwell in South Carolina.
- Mr. Lee asked if levels of PCBs were declining since no new sources have introduced them into waterways. Mr. Hale explained that more and better sampling has just begun to provide a baseline from which improvement can be measured.
- Mr. Hale clarified NCDENR's fish testing methods, explaining that the Department targets places with advisories or those specially requested. They sample in the spring and summer and try to obtain 10 fish in each of 3 trophic levels. A more detailed study is conducted if screening identifies an issue. Whole fish are sampled for PCBs and filets are sampled for mercury.
- Rick Gaskins asked if NCDENR had plans to test Lake Hickory or Lake James for PCBs. Mr. Hale explained that he wasn't sure but that, given the expense of testing, the State often partners with local entities to test more areas.
- Rick Gaskins also asked if studies had been conducted on the effects of dredging on PCB re-suspension? Mr. Hale noted that he has seen studies outside of North Carolina that show dredging can reintroduce dormant PCBs into the food chain.
- Rick Lee asked if metals were sampled in the Catawba basin. Ms. Thomas indicated that there are no metals stations as a part of the ambient program but that they are collected as a part of the random program.
- Rick Lee- asked what a sampling station looks like. Ms. Thomas explained that stations are essentially stream access points but that no equipment is left in the field.

South Carolina

- David Chestnut with SCDHEC presented on South Carolina's surface water quality monitoring program, which includes a lot of similarities with North Carolina's program.

- Mr. Chestnut noted that South Carolina switched bacteria indicators from fecal coliform to E. coli this year. He also noted that the Department would like to work with the Catawba Indian Nation to access the river to test fish for PCBs, especially since the Tribe has an interest in water quality.
- More information about the Catawba watershed can be found in the most recent Watershed Water Quality Assessment documents that the Department produces. A copy can be found online at www.scdhec.gov/watershed.
- Senator Hayes asked about concerns or resource needs from South Carolina's perspective. Mr. Chestnut indicated that he would like to resume monthly sampling (as opposed to bi-monthly) and increase funding for the Department's labs to run more fish tissue samples, especially for PCBs. The biggest water quality concern, from his standpoint, would be increased development impervious cover, which increases stormwater runoff and degrades stream habitat.
- Smitty Hanks asked for a status update on Tega Cay's sewer problems. Rick Gaskins noted that the utility is still having regular sewer overflows.
- Mr. Chestnut concluded by explaining that South Carolina does not conduct fish community studies like North Carolina due to resource constraints. He did note that South Carolina has an index and standard procedures for conducting such sampling but no staff to implement the program.

5. SC Surface Water Permitting Implementation Update

- David Baize with SCDHEC gave a brief update on the permitting process, indicating that the Department is issuing initial permits for existing users. He also noted that no new withdrawal applications have been submitted to date. The State is currently working on procuring a contractor to develop models to inform permitting and the state Water Plan developed by SCDNR.
- Senator Hayes asked about money in the budget for funding the model development. Mr. Baize indicated that \$2M will be needed for the base models. The funding is in SCDNR's budget, which has passed the House. These models will be different from the model required under the Catawba settlement agreement because they will be used for different purposes. Money is not, however, available for the settlement agreement model.
- Senator Hayes motioned that Commission go on record to support funding for the modeling effort as required by settlement agreement. Tim Mead seconded the motion. The motion carried.
- Senator Hayes and Rick Lee asked the states to draft a letter to Senator Leatherman and Rep. White by way of Rep. Norman indicating the Commission's support for funding.
- Barry Gullet indicated that funding would allow the Catawba Wateree Water Management Group to continue to develop the model required by the settlement agreement.
- Tom Reeder provided a brief update the North Carolina withdrawal permitting legislation, indicating that it is unlikely to occur soon due to political concerns. He mentioned, however, that studies in 5 basins indicate permitting is not needed as those basins have enough water to meet all community needs for the next 50 years (with the

exception of the City of Raleigh).

- Rick Lee asked if South Carolina will use the same model as North Carolina. David Baize indicated that South Carolina hasn't pre-selected a model but that the company that developed the North Carolina model is welcome to submit a proposal. Mr. Baize agreed that having complementary models would be of great value.
- It was discussed how permitting would affect IBTs and agreed upon that assessments and permitting would allow for more informed IBT planning and decision-making.

6. Ecological Flows in North Carolina

- Tom Reeder provided an update on ecological flows in North Carolina, which are the amount of water necessary for aquatic life to thrive. These flows are complex to determine because they are site-specific and variable throughout the year. However, it is possible to determine when human use of water conflicts with ecological needs.
- The North Carolina legislature required the development of a Science Advisory Board to meet and report on ecological flow recommendations by the end of 2013.
- Consensus has been building toward a threshold determination where 80% of water must flow by an intake with 20% available for off-site use. Currently, withdrawals are limited to 20% of the 7Q10 average flow so the 80% threshold is actually less conservative.
- The issue of shared fishing licenses was discussed. Specifically, there was concern that there is no shared license agreement between North and South Carolina, which primarily affects Lake Wylie.
- Senator Hayes indicated it might be a good time to bring up the licensing information again, which would require informing both legislative bodies in both States. Tim Mead explained the problem has been that each county where licenses are sold receives a portion of the sales so shared licenses would take away some of that local revenue.
- Chairman Lee suggested waiting until the next meeting to discuss this issue when North Carolina representatives are present. Representative Norman suggested this topic as something to take up in the next legislative session. Mr. Lee suggested the Commission adopt this issue as an initiative and place it on agenda for the next meeting.

7. Election of New Chair and Co-Chair

- Elections were postponed because North Carolina elected officials were enable to attend the meeting.

8. Topics for Next Meeting

- The next meeting will include topics discussed at the last meeting along with those issues noted at this meeting.
- Senator Hayes suggested having representation from SCDNR as they handle boating and fishing issues. David Baize agreed to speak with Ken Rentiers, the head of SCDNR.

The meeting adjourned at 12:00 pm.

Minutes recorded by Anne McGovern, SCDHEC