

The Catawba/Wateree River Basin Advisory Commission (CWRBAC) Meeting Minutes – March 21, 2014

Commission Members Present: Representative Kelly M. Alexander, Senator Austin Allran, Jimmy Bagley, Senator Daniel Clodfelter, Senator Creighton Coleman, P. Gary Faulkenberry, Barry Gullet, Smitty Hanks, Senator Wes Hayes, Rick Lee, Jeff Lineberger, Tim Mead

1. Call Meeting to Order

- The meeting was called to order by Chairman Mead.

2. Approval of Minutes

- The minutes from the September meeting were approved pending some text revisions submitted to Carol Roberts by Jeff Lineberger.

3. Catawba-Wateree Water Management Group (CWWMG) - Barry Gullet, P.E., Charlotte-Mecklenburg Utility Department and Chair of the CWWMG

It was noted that the group must conduct a self assessment every five years. The CWWMG contracted with The Lee Institute to complete the assessment. One recommendation from the assessment was better communication of the group's efforts and accomplishments to the public. The Water Management Operating Plan was discussed. The plan was tweaked and is built around the Water Supply Master Plan. The CWWMG is working on the strategic plan and recommendations from the self assessment. A special workgroup has been contracted through The Lee Institute to confirm, clarify, and/or change the mission and vision for the group and identify strategic projects needed to be done over the next five years. A five-year budget is also being considered.

Jeff Lineberger noted several projects have been completed. The projects address items such as drought, planning, water quality, water quantity, and sediment management, as well as other issues related to environmental concerns etc. He noted that the CWWMG is a collaborative effort, and everyone learns together while working to manage the resource.

The main group members meet every other month as does the Board of Directors. Other sub-groups may meet more often. All nineteen members are contributing a lot of time and effort to the group, and communication within the group is very good. The general feeling is that this is a successful endeavor.

Commission Member Question: Is everyone participating within the group?

Response: There are a wide variety of utility sizes among the members. Some smaller utilities can't put as much resources into the group, but they are still on committees. The group has been in place since 2007, and everyone is paying their dues. It was noted that sometimes the same people end up doing a lot of work, but the group is moving forward and the Water Supply Master Plan is getting done.

4. Fish License Reciprocity Letter

Chairman Mead noted a letter will be sent to directors of the natural resource agencies in both South Carolina (SC) and North Carolina (NC) regarding this issue.

Jeff Lineberger noted that Mr. Myers is titled as the Executive Director in NC, and a slight modification was needed on Representative Alexander's name.

Chairman Mead stated the letter would be sent with modifications noted by Jeff Lineberger.

5. Surface Water Availability - David Baize, DHEC Bureau of Water, Assistant Bureau Chief

Mr. Baize noted that SC needed information on the quantity of surface water in the State. South Carolina has some permitting now related to surface water use, but we need an overall assessment of the resource.

Georgia completed a thirty (30) million dollar effort already, and NC is also working on quantification of its surface water supply. Regarding the current surface water permitting program, it was noted that all grandfathered permits had been issued. There have been no new permits issued, and there was one agricultural registration. On the assessment, SC has utilized some of NC's experience, and reviewed the RFP sent from Tom Reeder with NCDENR as well as relied on Georgia's previous experience. The assessments will be based on eight basins. SC has \$1.5 million from the legislature for the SC assessments.

Commission Member Question: When do SCDHEC and SCDNR anticipate getting bids in from the Request for Proposals (RFP)?

Response: May is the estimated time-frame.

Commission Member Question: Is Oasis the chosen model platform?

Response: The RFP did not specify a certain model.

Commission Member Question: What is the main use of the model?

Response: SC will use the model for issuing surface water withdrawal permits and some planning efforts. We expect to have the same model-type used in every basin. This would make overall model use easier instead of multiple model types per basin.

Commission Member Question: Jeff Lineberger asked if the stakeholder participation cost will be paid for out of the \$1.5 million.

Response: Other funding streams are envisioned for that process.

Barry Gullet noted that these types of model tools can predict future situations. If NC and SC have the same components in the models, they could be used together so assumptions and data are consistent. He noted it would be good to keep in touch about how the pieces might fit together. He also noted the possibility that the model outputs might be different otherwise. The models are good, but might not be exactly precise unless the assumptions and data are the same.

David Baize noted that one scenario of interest is about outcomes from taking water from a basin.

Commission Member Question: A Senator asked where are we on modeling in the Yadkin-Pee Dee.

Response: Kathy Stecker with NCDENR noted they expect a contract soon, and anticipate working on Yadkin-Pee Dee at the same time.

Commission Member Question: A Senator asked about recent news related to agricultural withdrawals in SC basins.

Response: David Baize noted the South Fork of Edisto River and Walther's Farms had been in the news recently. The affected areas were in Aiken and Barnwell counties. In SC's Water Use Law, agriculture projects are only required to get a registration and not a permit. If the withdrawal meets a calculated safe yield, then the registration is complete. There is no public hearing requirement. Local stakeholders in the Edisto Basin were concerned about an approved agricultural registration there and the subsequent water withdrawal. A courtesy public meeting was held, and an agreement with Walther's Farm and the stakeholders was reached. In Barnwell, they will use groundwater only. There was some discussion about possible legislative bills regarding agriculture and a Senator noted that one bill was being proposed in the SC legislature.

Chairman Mead noted that there were some agricultural lawsuits in Texas going on now.

David Baize noted that when it's dry and flow is low, that's when agricultural areas need water.

A Senator noted that if there is a city above an agricultural area, the agricultural entity might prefer a permit so all the water is not used before it reaches them.

David Baize noted that under current law, if an agricultural entity withdraws over the registered amount they could be penalized.

A Commission Member noted that large users might have the potential to be tracked through items such as Google Data.

Chairman Mead noted we need wise decisions if these entities need water.

David Baize noted as we can evaluate our resources, we could potentially help them locate where adequate water is available.

A commission member noted it is easy to get permits in SC, and we need to better understand and utilize our resources.

A commission member noted it was good there was local stakeholder involvement in the Edisto Basin.

It was noted that this advisory committee was the genesis for the idea of a surface water bill.

Commission Member Question: What laws are there in place regarding groundwater use?

Response: David Baize responded that SC issues groundwater withdrawal permits in Capacity Use Areas along the coast. Otherwise, we don't have groundwater use evaluation or use permitting.

Commission Member Question: Where are the Capacity Use Areas?

Response: The Lower Coastal Plain.

Commission Member Question: Would sinkholes be a concern from groundwater removal?

Response: David Baize noted it depends on terrain and where the groundwater is located.

Jeff Lineberger noted that the NC General Assembly has previously considered river basin planning, and maybe SC can move in that direction too. He mentioned a change in Duke Energy's lake use permitting process where water withdrawers are required to consult with the Water Management Group.

6. Fish Tissue Program – Dr. Jim Glover, DHEC Bureau of Water Aquatic Biology Section Manager

An overview of processes used to monitor fish in SC was shared. Lake Hartwell is known to have polychlorinated biphenyls (PCBs), and they have been found in Lake Wylie, Lake Wateree and along the upper portions of the Catawba River.

Levels of contamination in the fish decrease as you move away from sources.

There was also a National Screening Study that indicated that some fish in reservoirs in the Catawba Basin had elevated levels of PCBs. The SC Fish Advisory map was shared as well as NC advisories. The challenges regarding this issue were identified as: Needing sufficient number of staff to collect and process samples, access to certain parts of the river system, sufficient numbers of large fish (such as largemouth bass) in some of the tributaries of the river system, and the cost of analysis (\$1000.00 for congeners; \$200.00 for AROCHLORS).

The river system will continue to be monitored for PCBs with the goal of obtaining more species and larger sample sizes. If resources become available a more comprehensive monitoring and analysis will be feasible.

Commission Member Question: Are the PCBs coming from the tributaries or are they only in the lakes?

Response: There is no data from the tributaries.

Commission Member Question: Could we look at food chain to see where the fish are getting PCBs to block and stop the link at that level?

Response: It appears in the water and sediment. It goes along the food chain from the algae and insects to little fish and then to big ones. It would be difficult to manage or break that process. We do know that larger fish have more PCBs in them and the smaller fish have less.

Commission Member Question: Does a catch and release program allow for more PCBs to stay in system?
Response: There is some evidence that bigger fish have less contamination if you remove some fish so the larger ones grow faster. However, because different systems react in different ways, we can not be sure that something working in one system would translate into predictions for other areas.

Commission Member Question: Hasn't there been some PCB information in the recent news about illegal PCB activities in the Charlotte area?
Response: David Baize noted that there has been some illegal dumping into grease traps at restaurants etc. There is an ongoing criminal investigation. The cost to utilities is extremely substantial. Although PCBs were banned some years ago, there is still some out there.

Barry Gullet noted some of the illegal dumping has been traceable due to other components such as trichlorobenzene being there too. He noted there is a task-force and criminal investigation and EPA is involved. Once it goes criminal, nothing is shared, so the current status is hard to follow. NC utilities are represented on the task force. The real issue is with the materials themselves. Community meetings were held, but attendance was low. We need to look at a better way to manage and dispose of these materials. It is advisable to encourage both states to come up with an option for disposal. The materials are in different places such as transformers, heating, air conditioning, and ventilation systems.

Commission Member Question: Is recycling a possibility?
Response: We would need to consider where it goes.

David Baize noted that SC has passed an emergency regulation to have the utility plants test for PCBs in sludge. Also, PCBs are regulated at the federal level, so there is not much state discretion. Some utilities lock their grease traps.

Commission Member Question: Could we get collection points, and would these PCB areas qualify for superfund sites?
Response: David Baize responded that the fund is already stressed, and he is not sure how this type of item would rank.

Chairman Mead asked if there is anything the Commission can do about PCB collection and/or disposal?

Commission Member Question: Does NC have a law for testing sludge etc. like SC's emergency regulation?
Response: Barry Gullet responded that the Charlotte-Mecklenburg Utility Department already inspects the sludge and the haulers are regulated.

A Senator asked for the two state agencies and utilities to come back with recommendations related to feasible collection of PCBs?

Chairman Mead explained that he will bring up the issue with state staff and explore any reasonable ways to move forward.

7. Other Business

Chairman Mead noted that the Mountain Island Lake Marine Commission is dissolving. There is \$40,000 left in budget. The money must be disbursed by May 7th. Chairman Mead asked for CWRBAC approval to move forward with seeing if the money could be utilized by the CWRBAC. There was a motion to move forward from Senator Clodfelter and a second from Senator Hayes.

Joe Stowe is looking for a wildlife contact. There was conversation as to whether this is something the CWRBAC should give a recommendation on, or if it should instead be discussed via the legislature to decide

how to proceed. Chairman Mead suggested that a NC CWRBAC member try to resolve the issue in NC and then involve SC if needed.

A Senator noted that a large tract of land on Lake Wateree (3,500 acres) was originally sold to Greenwood Properties, but when the economy first worsened, the planned residential development could not move forward. That area was put up for sale. It was noted that Senator Sheheen had explored ways to fund a purchase of the property, and last year the National Conservation Fund bought the property. It will be purchased by DNR. Also, another piece of property negotiated in relicensing was protected along a twenty-mile c on the northeast corner of Lake Wateree.

A Commission Member requested an update from Duke Energy and the Catawba RiverKeeper on the coal ash situation. A Senator noted that the CWWMG had some information on their Webpage concerning the issue. The request was amended to inquire about what risks are related to the contamination, and information on what should the Commission be aware of regarding the issue.

It was noted that the Commission should think about anything they might need the CWWMG to work on in the future.

Commission Member Question: What about an update on the reservoir issue in Lancaster County?
Response: David Baize responded that might be a good topic for the next meeting.

A stakeholder, Jerry Campbell, thanked the Commission for their support of the river system.

Chairman Mead adjourned the meeting at 12:05 pm.

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