

July 14th, 2022
9:00 AM – 1:00 PM
Meeting No. 4 (Hybrid Format)
Presbyterian College – Jacobs Hall
503 South Broad Street, Clinton, SC 29325
Broad River Basin Council
July 14, 2022, Meeting Minutes

BRBC members present: James Kilgo, Ken Tuck, Kristen Austin, Paul Pruitt, Mark Boland, Chip Few, Steve Hilbert, Brison Taylor, Frank Eskridge, Bill Stangler, Jeff Walker, Daniel Hanks, Bryant Fleming, Amy Bresnahan, Erika Hollis, Jeff Lineberger, John Alexander & Jim Cook

BRBC members absent: Angus Lafaye (Justin Hilton, alternate, present), Jason Wright, Raymond Sligh, Justin McGrady & Karen Kustafik

Planning Team: John Boyer, Scott Harder, Tom Walker, Jeff Allen, Kaleigh Sims, Leigh Anne Monroe & Joe Gellici

Total present: 43

1. Call the Meeting to Order (Ken Tuck, RBC Chair) 9:00–9:05

- a. Review of Meeting Objectives – Ken introducing the meeting
 - Continuing to accept application from government and local stakeholders, we do need to finalize list of alternates at the next meeting so we can have those officially recorded
- b. Approval of Agenda –
 - Kristen motion to approve and Steve second – all in favor
- c. Approval of June 9th Minutes and Summary
 - Steve motion to approve - all in favor
- d. Housekeeping Items
 - Wifi and restrooms overview
 - Any other items? No

2. Public Comment (John Boyer) 9:05–9:10

- a. Public Comment Period
 - No public comment
- b. Agency Comment Period
 - No agency comment

3. Water Legislation and Permitting (Leigh Anne Monroe, SCDHEC) 9:10–9:45

- Leigh Ann providing presentation
- Background on water quantity programs
- Statewide 199 active permits

- Broad specific 27 active permits
- Agricultural Permits are not transferable
- Q: any condition where permits or registration can be reduced or revoked?
 - A: There is not really a way to reduce an existing permit, it is pretty clear that when a permit is renewed it must be reissued for original permit volume or assessed for increases but cannot do it for below original - has to cause harm AND go over permitted amount to do anything
- Provided examples of conservation measures in contingency plans received
- Q: What categories are included in harm?
 - A: its not really defined, would have to double check exact wording but it is kind of vague – law only applies to 6% of permits
- Q: are there any means of using the judicial branch to do something about it?
 - A: there was not history of harm
- Q: can people file complaints ?
 - A: not sure what DHEC process is on that
- Q: Existing permit can never be reduced?
 - A: even if they ask for it DHEC really can't do anything about it they would have to reapply for a new permit for less
- Q: Talk about surface water stakeholder group?
 - A: around October last year we had stakeholder group to discuss 10 year regulation review for surface water, we found 3 unintended consequences within the discussions, we can't really regulate when only 6% permits we can do anything about. So, the law was written to where we can't really make the changes we want to make so it would require a legislative change rather than regulation change
- Q: Talk about what happened in Edisto?
 - A: In Edisto river basin some people were trying to protect flow so they got agricultural registrations that took up rest of safe yield so no other agricultural registration could be given
 - A: If you have new registration you have a year to show us that you constructed intake but you can still report zero use, there is no reasonableness criteria for agriculture. They recorded that they sent us their intake structure so now they have a registration
 - A: You can still get a permit but not agriculture registration in the Edisto
- Statement: The issue with the regulation is why this river basin planning is so important
- Statement: The legislative recommendations are important and if they sound exactly alike across the state then you might have political will to make improvements, but we have what we have. Water resource management is a long term process
- Q: Can you explain capacity use areas and permitting
 - A: try to encourage people that are on our side to talk to other people, we send people out to help fill out applications all the time- getting the word out about how it really works especially for well drillers is so important
- Q: any regulation on people that actually drill wells?
 - A: They get license through LLR for construction standards, most drillers know about private well program
- Summary of EPA letter that was issued: American rivers submitted to EPA about wanting surface water regulation considered as water quality standard, the EPA contacted DHEC with letter saying its not applicable to most of the permits so they did their assessment and

found that our surface water standard is a water quality standard – now we need to address comments in the letter and that is what we are doing right now, at this point DHEC is looking at what EPA suggested

4. Current Water Use (Alex Pellett, SCDNR) 9:45–10:15

- Alex providing presentation on current water use and water withdrawal reporting
- Withdrawal volumes are self-reported
- Broad (excluding hydro)- surface water withdrawal 728.4 MGD (13% statewide) third surface water using basin, 0.5 MGD is groundwater (0.2% statewide)
- Almost everything in Broad is surface water withdrawal

5. Water Planning Framework Quick Review and Q&A 10:15–10:30

- John B- Quick review of framework / quiz

Break 10:30–10:45

6. Water Demand Methodology and Broad Basin Demand Projections 10:45–11:30 (Alex Pellett, SCDNR)

- Alex providing presentation on methodology for water demand projections
- Take a more in depth look at return flows
- Presenting preliminary draft results for demonstration purposes
- Q: What is the driver for determining consumption?
 - A: For some sectors we have user by user driver data for the baseline period, for manufacturing I do not have what their output was so I just have to assume it did not change over time and applied growth rate
- Statement: Think NC has an Oasis model for the Broad basin and Linwood Peele's NCDEQ office would have that model if it still exists
- Q: Projections made, seems they would be precipitation driven and you could use that as a driver for things like golf courses and agriculture, also what about land use application?
 - A: Irrigation water uses are driven by precipitation, yes. Have not been able to get good statistical analyses for that but that does not mean it is not the case. We will get to see what happens to demand when we have really dry years. Land use, when going from SWAM model and looking at SW gauges we looked at land use above each gauge and one or two gauges had very high developed area, so if we see stream flow record changes and land use it might be in this basin because of the development. Would have to look at changes in watershed management and stream flow
 - Recommend sedimentation as something to consider in this basin since it has implications for reservoir storage
- John B: Does RBC have recommendation for how to use NC projections?
 - Might be moot point to spend a lot of time on NC since its not contributing as much, maybe come up with standard NC input and see if there is any sensitivity for what we assume for NC

7. FERC Licensing in the Broad Basin (Bill Marshall, SCDNR) 11:30–12:00

- Bill providing presentation on FERC licensed projects in the Broad river and the history of FERC licensing

8. Duke Energy Ninety-nine Islands Operations (Jeff Lineberger, Duke Energy) 12:00–12:10

- Showing ninety-nine islands footage and presenting on it
- Only generate if water is available to do so

9. Upcoming Meeting Schedule and Topics (John Boyer) 12:10–12:15

- John B giving overview of upcoming meetings and topics
- Next meetings:
 - August 11th
 - September 8th
 - October 13th field trip
 - Maybe a SWAM training in October

Minutes by: Kaleigh Sims and Tom Walker

Approved: August 11, 2022