

Broad River Basin Council

May 11, 2023, Meeting Minutes

Members Present: Ken Tuck, Daniel Hanks, James Kilgo, Jeff Lineberger, Mark Boland, Erika Hollis, Frank Eskridge, Angus Lafaye, Paul Pruitt, Karen Kustafik, Bill Stangler, & John Alexander

Members Absent: Bryant Fleming (Cory Cox, alternate, present), Brison Taylor, Jeff Walker, Kristen Austin, Jason Wright, Jim Cook, Justin McGrady, & Amy Bresnahan

Planning Team Present: John Boyer, Scott Harder, Tom Walker, Andy Wachob, Leigh Anne Monroe, Hannah Hartley, Joe Koon, Kaleigh Sims, Kirk Westphal, & Alexis Modzelesky

Total Present: 33

1. Call the Meeting to Order (Ken Tuck, RBC Chair) 9:00–
9:10
 - Review of Meeting Objectives
 - Approval of Agenda
 - Motion to approve the meeting agenda – Frank Eskridge – 1st and Angus Lafaye – 2nd – unanimous approval
 - Approval of April 13th Minutes and Summary
 - Motion to approve the minutes and summary – Frank Eskridge – 1st and Angus Lafaye – 2nd – unanimous approval
 - Housekeeping Items

2. Public Comment (John Boyer) 9:10–
9:15
 - Public Comment Period
 - None
 - Agency Comment Period
 - None

3. April RBC Meeting Review (John Boyer) 9:15–
9:30
 - Overview of previous meeting
 - Put new scenarios in model
 - Mid term strategy might be more feasible had a meeting with a few people including Gaffney to go over what made sense

4. Review and Discussion of Draft Chapter 7 – Water Management Strategies 9:30–
10:00
(John Boyer)
 - Industry question about are they using a lot of water or are they efficient – generally use only the amount needed

- Utilities also have resources to be more efficient with their water – trainings and other material
- Any supply side questions?
- Any consideration to lowering intake of Lake Whelchel?
 - We looked at that and different depths to draw water from, lowering didn't increase our safe yield that much
 - Any FERC related reason why that would prevent them from another intake below Gaston Shoals/ Buffalo Creek?
 - Zero restrictions outside the dam
 - There is also an old 1950's intake that Gaffney is looking at to possibly put back into service
- RBC has not identified any reaches of interest

5. Review and Discussion of SCDHEC-proposed changes to the Surface Water Withdrawal, Permitting Use and Reporting Act (Leigh Anne Monroe, SCDHEC) 10:00–10:30

Withdrawal, Permitting Use and Reporting Act (Leigh Anne Monroe, SCDHEC)

- DHEC providing overview
- Definition of instream flow are the same or are you revisiting?
 - They are the same currently, they are not changed in these revisions
- Who makes decisions about the 10 year permit review (possible reduction in permit)?
 - DHEC would review with the permittee and take reasonableness criteria into consideration
- Say a group comes in and needs capacity, would that factor in?
 - Potentially if DHEC could move a permittee down closer to their actual/reasonable use
- Was this endorsed by the PPAC?
 - Not yet, more revisions and discussions at the next PPAC meeting in July
- So DHEC is not bringing this to the Legislature?
 - DHEC does not introduce but is helping to revise and it would be up to stakeholders and Legislators to pick it up and introduce it
- My suggestion is to not let this see the light of day until its been deeply discussed
- What do you like about the changes and what do you not like?
 - Agricultural registration issue needs to be addressed and any unintended consequences
 - Water Suppliers likely not interested in reducing permit
 - Need to be able to plan for the next 50 years
 - Some water systems do a 30 year plan every 5 years
- DHEC would likely reevaluate one basin at a time so we are not hitting everyone at the same time for a review cycle
- Voluntary process might work better than statutory, just as a suggestion – similar to wastewater approach
- DHEC anticipates that they won't have final recommendations for all basins in this planning until after 2026, so this will take some time

- Potential to level the playing field and take an adaptive management approach
- Break* 10:30–10:45

6. Development of Planning Process, Technical and Program, and Policy, 10:45–12:00

Legislative and Regulatory Recommendations (John Boyer)

- Intro and overview to chapter 9 RBC recommendations discussion
- Break out groups for recommendation discussion?

Planning Process Recommendations

- Recommendation to continue funding RBCs
- Recommendation might be to stagger some times of the meeting, its valuable to have all areas of interest to be present. Seems to especially be a problem for Ag taking time out of the day. Need to possibly provide better times so that it is a true stakeholder process
- Is it the time to start touching base with Legislators to start conversations about what we are doing and where we are at?
- Part of the implementation plan is to develop a communication strategy maybe do more of this during the planning process before the draft plan and final plan. “Quarterly fact sheet” handout
- RBCs to get together once a year or so maybe at the SC Water Resources Conference for a panel discussion
- Worth while to touch base with Legislators once a year ? Some do think its valuable
- Does DNR provide updates? We have given some presentations to the Ag and natural resource group - Ken Rentiers does provide Legislative updates
- Recommendation that we encourage DNR to coordinate RBC’s meeting with Legislators
- Maybe have a meeting or small conference and invite Legislators
- Should Ag be its own interest group? That might be basin specific
- Should be intentional outreach effort to the most impacted group in the basin
- Review RBC membership to ensure needed representation in each basin
- Technical presenters might need to make recommedations when reviewing some technical information like mean vs median which can be vetted through RBC discussion
- If there is a big change in something impacting the conditions of the basin then the plan needs to be revisited accounting for the change

Technical and Program Recommendations

- We do need to think about our streambank issues and increased water quantity in our sensitive areas of the watershed because we are noticing watershed changes
- Think about sediment loading issues – ex: Catawba-Wateree WMG study put a \$ value on turbidity
- Land prioritization

- Model riparian buffer ordinances – BMP easy GIS exercise
- MS4 programs can address these sediment issues
- Ecosystem services – cost of what is happening – study needed of financial impact
- Study impacts of land use
- Recommend new data to support new standards – ecological flow standards maybe incorporate considerations in the process of future planning process
- Assimilative capacity – 7Q10 – wastewater (be on the radar)
- Funding is an issue with the stream gages – sustainable funding for priority gages (USGS funding is declining)
- Consider supply side strategy to incorporate climate change into streamflow
- Anyone else want to weigh in on water quality being in future phases? It is a big issue for all to consider – should RBC take it up?
- Water Suppliers and others – both water quantity and water quality should be in future iterations of the plan (integrated plan) – such as nutrient loading and sedimentation

Policy, Legislative, and Regulatory Recommendations

- Enforceable law everyone has to comply with – encourage DHEC to continue work with stakeholders regarding the Surface Water Act
- Close the loophole with agricultural registrations
- Reasonable use criteria recommendations for all users
- Permits for all and no two-tiered approach
- Revision of drought law
 - Objective criteria for drought stages
 - Preplanned actions
 - Drought committee arrangement (ex: follow river basin boundaries)
- Anyone have an opinion over mean vs median for instream flow?
 - We can talk more about it at the next meeting
 - Circulate the memo on median vs mean

7. Implementation Plan Development (Time permitting and over lunch) 12:00–12:50

(John Boyer)

- Hold off talking about this until next time

8. Upcoming Meeting Schedule and Topics 12:50–1:00

(John Boyer)

- Next meeting to finalize plan recommendation, work on implementation and review of chapters 1-4

Minutes: Kaleigh Sims and Tom Walker

Approved: June 8, 2023

RBC Chat:

09:01:40 From Paul Pruitt to Everyone:

I have not heard any sound yet..

09:02:15 From Paul Pruitt to Everyone:

The screen looks good

09:02:42 From Karen Swank Kustafik to Everyone:

Morning, Paul. Me either. I bet they are getting set up and will open audio when the start.

09:02:53 From Thomas Walker to Everyone:

we are just starting

09:02:56 From Thomas Walker to Everyone:

welcome

09:02:57 From Paul Pruitt to Everyone:

Thanks

09:04:55 From Paul Pruitt to Everyone:

aye

09:05:20 From Paul Pruitt to Everyone:

aye

09:06:14 From Karen Swank Kustafik to Everyone:

will do, thanks. No mic, using chat

09:06:23 From Thomas Walker to Everyone:

no problem

09:06:27 From Thomas Walker to Everyone:

public comment period

09:06:33 From Thomas Walker to Everyone:

agency comment period

09:20:45 From Paul Pruitt to Everyone:

industry generally uses the least amount needed

09:20:59 From Thomas Walker to Everyone:

thanks paul

09:20:59 From Paul Pruitt to Everyone:

it is a financial issue as well as environmental

10:15:39 From Thomas Walker to Everyone:

15 min break

10:18:15 From Paul Pruitt to Everyone:

I need to exit the meeting. My backup (David Evans) is now in attendance in my stead.

10:20:09 From Thomas Walker to Everyone:

thank you paul and david

10:24:16 From David Evans to Everyone:

Reacted to "thank you paul and d..." with 👍

10:41:34 From Karen Swank Kustafik to Everyone:

agreed!

10:47:58 From Karen Swank Kustafik to Everyone:

like the idea of white paper/fact sheet that we can disseminate to elected officials

11:25:49 From Karen Swank Kustafik to Everyone:

Endorse the recommendations to use reservoir capacity as a means to address sedimentation. This will only get worse with increased development.

11:28:09 From Thomas Walker to Everyone:

thank you

12:05:35 From Karen Swank Kustafik to Everyone:

Yes, the ability to add quality to this would be wonderful. Feel like we are addressing it sideways by flows for aquatic species and sedimentation

12:07:28 From Thomas Walker to Everyone:

break for lunch - 15 min

12:08:04 From Karen Swank Kustafik to Everyone:

Thanks. Will not be here after lunch. K

13:06:01 From Thomas Walker to Everyone:

meeting adjourned thanks