Saluda River Basin Council
December 18th Meeting Minutes

RBC Members Present: KC Price, Jason Davis, Michael Waddell, Eddie Owen, Rebecca Wade, Thompson Smith, Rick Huffman, Katherine Amidon, Jeff Boss, Josie Newton, Larry Nates, Robert Hanley, Kaleigh Sims, Kevin Miller, Melanie Ruhlman, Phil Fragapane, Jay Nicholson, David Coggins, Paul Lewis, Rett Templeton, & Charlie Timmons

RBC Members Absent: David Lawrence, Justin McGrady, Brandon Grooms, Patrick Jackson, Tate Davis, & Devin Orr

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

Total Present: 37

K.C. Price, Chair, called the December 18th, 2024, meeting to order at 10:01 AM. The Saluda RBC's December 18th meeting objectives meeting included Discussing any significant comments on draft Plan Chapters, finishing development of River Basin Plan recommendations, and discussing and developing implementation plan and its actions.
K.C. Price called for approval of the meeting agenda. Kevin Miller – 1st made a motion to approve the meeting agenda with Michael Waddell – 2nd, which was approved unanimously. There was a motion to approve the November 20th meeting minutes and summary. Kevin Miller – 1st – made a motion which was seconded by Jeff Boss – 2nd. Members unanimously approved the last meeting minutes and summary.

WaterSC update: There were two meetings, January 31st deadline for them to have information available for the legislative work group.

Q: Do we know what legislators are on the legislative working group, and is there any merit in reaching out to that working group sometime in the future?

A: Yes, in the last meeting, Kate was introduced as the liaison for the legislative group. We are yet to receive the complete list. We sent her an email to follow up on our conversation. We agreed in our last meeting to draft a similar letter to that group. Once we know who that group is, there is some work to ensure we are fairly well informed. There will be a listening session on January 7th.

Attendance/Council Membership: In our bylaws, there's guidance on attendance, 2 members have missed 14 meetings and 12 meetings; we don't remove members, but we can recommend member removal. A motion was moved to discuss this further.
Robert Hanley – 1st, moved a motion, and Kevin Miller – 2nd, a recommendation to recommend to DES removal of Justin McGrady and David Lawrence from the RBC. Members unanimously approved the motion.

Announcement:
GE Vernova secures orders from Dominion Energy for the modernization of Saluda Hydro power plants in South Carolina. This modernization project will help extend the lifetime, reliability, performance, and operational flexibility of the power plants that has been generating sustainable and reliable power for almost a century.

Water Flow out of the Turbine Runner: GE Turbine has a patented derating turbine design that allows air to discharge through slots in an interblade profile that is located between runner blades. The design is specifically for our current situation. This will work under the entire operation range, it will increase in each one of the units. The first unit will be done in 2027 and 2028. They have started pulling unit 2, then skip unit 2. They are only doing that because the steam plant discharges directly into Unit 2, and we have a mixing in there because there are different water temperatures going in.

Q: When is the lake turnover?

A: It started right toward October and took a long time to finish
Q: Limitation on this? Efficiency in higher flows?
A: It will work in entire operational range – starting at unit 1, skip unit 2, and unit 3 is next
Q: (see RBC Chat)
A: 2027 start to finish

There was no Public or Agency Comment.

Review and Discussion of Comments on Draft Chapters:
We will be getting a lot of information to review in January. Basically getting the whole draft plan to review. We also started the executive summary so as to move quickly in January.

Discussion:
Q: Taking verbal comments? Would like to see laid out what the major comments. Hydro – FERC in table. Water use and demand – one of limitations on ag usage. Water use likely not captured non – registrations
A: Uncertainty in water use reporting
Q: Incorporate Helene into flooding data?
A: SCO Office trying to work on it and waiting to hear back
C: Haven't sent us chapter 7 yet
C: 2-6 and 8 are the chapters we have sent out

Final Discussion and Development of Plan Recommendations:

Survey Questions:

- Implementation Funding- The legislature should fund and SCDES should establish and manage a grant program to help support the implementation of the actions and strategies identified each RBC's River Basin Plan. One example is Georgia's Regional Water Plan Seed Grant Program which supports and incentivizes local governments and other water users as they undertake their Regional Water Plan implementation responsibilities.- (12 Voted FOR, 0 AGAINST).

- Promoting Resilience- The RBC encourages utilities to build resilience to ensure adequate quantity of water through identification of alternative sources, including interconnections- (10 voted FOR and 2 AGAINST; Green bucket)
  C: Curious to know why against it?
  C: felt it was something should already be doing and toothless
  C: Recognizing best practice
  C: Thought it was filler

- Regionalization – The RBC encourages consideration of regionalization opportunities among water utilities. Regionalization is one tool to better manage the availability of water resources and build resilience. (8 FOR, 1 AGAINST, and 3 FURTHER DISCUSSION IS NEEDED)-By a majority recommendation, not consensus- put in the green bucket.
  C; Worked at several systems large and small. Regionalization is not the end all be all for all systems
  C: Broad, Saluda, and US all in one region – fastest growing areas in the country. Water supply and transmission connection and storage works

- Ensuring Growth Doesn't Outpace Water Availability- Amen the building permitting process in countries and municipalities to require developers work with water utilities to ensure adequate water availability.- (Decision made to remove- Red Bucket)
  C: Strikes me as hollow – no knowledge of building – permitting process in our basin where development doesn't check on water availability
  C: Not in any other basin plans

- Land/Water Management Laws, Regulations, Policies, and Manuals- To better manage runoff, encourage infiltration, and reduce sedimentation, the RBC recommends that SCDES perform a benchmark analysis of our statewide water laws, regulations, policies, and Manuals, including but not limited to:

- Riparian buffer protection
- Aquatic resource alterations
- Mass grading construction activities
- Other land disturbance activities, including small-scale construction and
- The Storm Water Management BMP Field Manual
  (6 FOR, 2 AGAINST, 4 FURTHER – come back to)

- Upon Completion of the statewide assessment of land/water management laws, regulations, policies and manuals, the RBC requests a call to action to each local government within the basin to review and update their ordinances and design guidelines to be concurrent with the state recommendations- (6 FOR, 1 AGAINST and 5 FURTHER DISCUSSION IS NEEDED)

A Separate RBC Member Suggestion:

Land /Water Management Laws, Regulations, policies, and Manuals. The RBC recommends:

- A State-wide riparian buffer law
- Local jurisdictions adopt riparian buffer ordinances
- Land disturbance permits to be required for over 5,000 sq ft of disturbance
- Stormwater regulations be revised to minimize increase in stormwater runoff volume from construction sites
- Tree ordinances be adopted
- Requirements for open space protection be adopted
- Green infrastructure in development designs be incentivized
- Local funding source for land conservation be developed

Common RBC Recommendation “Themes” in the Policy, Legislative, and Regulatory Category Melanie Recommendations: Save Our Saluda Proposed Recommendations: These were proposed as a package

- Require permits statewide for all existing and new water withdrawals over 3 MGM, including those before 2011 and all registered users. All users must be evaluated for reasonableness and must meet minimum instream flow (MIF) requirements.
- Remove "safe yield" (SY) entirely as a metric in the SC water withdrawal law and implementing regulations.
- Revise minimum instream flow (MIF) standards based on best available science to adequately protect designated uses and recognize regional differences.

C: Who are we encouraging

C: Streambanks from Helene are decimated and trees are in the river – millions to re-establish embankments

C: 16 feet of sand for two miles on the Broad came over the dam

C: Concern is ag operations – impact traditional ag operations – make sure not misinterpreted to an ag operation

C: Usually ag is exempt

C: Could specifically say non-ag

C: Out future is development – intended not to stomp on rural – focused on development moving forward – large subdivisions and large industrial developments

*Come back to it

Reasonable Use

- The South Carolina Surface Water Withdrawal, Permitting, Use, and Reporting Act should allow for reasonable use criteria to be applied to all **(new)** surface water withdrawals, like those that currently exist for groundwater withdrawals.

Adopted by the B, US, LSS, PD and E RBCs. The US specified "**new"** surface water withdrawals.

C: Interesting in the last WaterSC meeting – water in our streams, lakes, rivers belong to the state – all of us. Granted usage by state (DES) lot of permits/registrations are not using all of the water they could. Industry quits discharging frees up assimilative capacity. Shared resource – public

trust doctrine. Not a matter of if but when we bump against the hard wall. Not leaving any in-stream for minimum flows

C: GW permitting – reasonable use – what is the frequency of denial?

C: Pretty infrequent – some areas we have stopped use in some aquifers but location specific

C: Reasonable use not used as determining factor or is it just useful

C: We use it to determine limits. After 5 years look at use – at 10 years of data may be able to change permit limit

C: Grandfathered utilities that aren't using full capacity don't like reasonableness since it could shut down uses in the upstate to let water go downstream for lower part of state. Utilities have to plan ahead and not just for now. Have capital $ invested – keep new

C: What if rivers can't meet demands

C: Modeling has shown we can meet demands and efficiency gains – short-sighted with reasonableness

C: Still have heartburn with reasonableness for ag. Under impression registrations were based on pump capacity and without pump capacity should not get registration.

C: Registrations don't have to have capacity – its what you ask for

C: Not intent of law

C: Against with new – exacerbates grandfathering issue

C: 1. Reasonableness – what your are doing with the water

2. Source of water

Still have to do assessment

C: Opposed to opening up the SWWA – ag is the biggest risk-taker

C: SWWA is very prescriptive – looking to improve laws – effective management of resource

A motion was made to vote as written (without NEW) – 1st – Katherine Amidon and 2nd – Kevin Miller (11 FOR, 5 AGAINST, 5 ABSTAIN)

C: Is this necessary – WaterSC and Governor are doing this – leave it to them

C: Thompson Smith voted in opposition in this vote – requested mention in minutes

A motion was made to take a vote with NEW included – 1st Rebecca Wade and 2nd – Katherine Amidon – majority approved to include NEW in next vote.

A motion was moved by Jeff Boss – 1st and Kevin Miller – 2nd to vote if to keep the word "NEW" in the reasonable use language

Recommendation as written- (12 FOR, 5 OPPOSED, and 3 ABSTAIN)

C: P & R scenario had shortages

C: There were other significant shortages as well

Permits and Registrations

- Water law and implementing regulations should not distinguish between registrations and permits. All water users that withdraw above the identified threshold should be required to apply for a water withdrawal permit. Current law allows for agricultural surface water users and all groundwater users withdrawing water outside of CUAs to register their water use rather than apply for permits.

Adopted by the Broad RBC and a slim majority of the Edisto RBC. The Edisto RBC rec simply said that "all water withdrawers should be subject to the same rules."

C: GW permits are no fees

C: Nothing for gw has fees – sw has fees for permits only

C: Ag registered user – much simpler process for sw

C: Permits would require MIF requirement and levels the playing field

C: Ag is a minor user of water in Saluda – 1% or less

A motion to throw out this recommendation and not consider it was made by David Coggins – 1st and Jeff Boss – 2nd (8 FOR, 10 AGAINST, 2 ABSTAIN)

A vote to consider the recommendation - (8 FOR, 8 AGAINST, and 3 ABSTAIN)

Alignment with Existing Water Plans

- The water withdrawal permitting process should specifically assess the permit application's alignment with the current River Basin Plan, particularly regarding proposed withdrawals, returns, resource conservation, and drought response.

Adopted by the BRBC

- The water withdrawal permitting process should specifically assess the permit application's alignment with the legislatively approved State Water Plan.

Adopted by the US and LSS RBC

Yellow Bucket – come back to it

C: Understand Broad's recommendation – encourages DES or successor to incorporate river basin plans into the SW permitting process

C: More specific with the second one on the first comment – legislatively approved SWP will decide if its in permitting process

C: Have to be tied together

C: No legislative requirement to approve?

Q: Does legislature approve CUA gw management plans?

A: DHEC board approved them

C: If legislature isn't going to approve SWP, the 2nd recommendation is meaningless.

State Support for Water Education Programs

- The State should support and fund RBC-led and statewide water education programs that include all sectors of water use and promote the types of water management strategies recommended in River Basin Plans.

The RBC can provide guidance on topics that are important

Adopted by the US and PD RBCs

C: Avenues for education – publications. Summarize surface withdrawals. Water use publications. Can summarize technical info. Do presentations, field trips, focus on different audiences. 3 regional water agents in Clemson Extension

C: Is RBC leading programs? Reading it is contradictory

C: I read it as both – RBC and other orgs

C: Suggestion to throw it out

C: Education is fundamental

C: Keep it general

Motion to approve as written was made by Melanie Ruhlman – 1st and Jeff Boss and Eddie Owen – 2nd

C: Recommending in state budget water education

C: We can't take state funding

C: What we get is extremely lean

C: There are many avenues for funding education
Recommendation as written- 12 FOR, 0 AGAINST, 5 ABSTAIN

Motion to approve recommendation - The Saluda RBC will support and promote outreach and education to increase awareness with the general public around watershed based planning.
1st – Katherine Amidon and 2nd – Rebecca Wade - 12 FOR, 0 AGAINST, and 6 ABSTAIN

Save our Saluda Recommendation
C: WaterSC – natural flow not designated uses with dams on the rivers. Against MIFs – artificial instream flow
C: Flow ecology study best available science?
C: It is in the mix
C: The river is dead without fish and macroinvertebrates
C: Start of next meeting?
C: Recognition of MIF differences would be important. Is 20-30-40 not enough
C: As an RBC can't recommend answers to any of those – make it more general – best science available and figure it out. SY and MIFs are polarizing – caution to not use pulverizing language
C: 20-30-40 maintain good conditions for fish. Doesn't imply no stress – artificially put water into rivers from reservoirs. Science is important
C: 2009 publication wants to share 20-30-40 for the entire state was passed
Q: How many recommendations are pending
A: Land management planning, Melanie's recommendations on SY and MIFs, flow statistics, collaboration, alignment.
Q: Will that give us time to discuss the implementation plan
C: Goal for that meeting
C: Should we do another survey
C: Get rid of slide 16, 17, 18 focus on 19
C: Line item vote for this one or against
C: Survey about recommendations
C: Take 45 minutes to get through to get to implementation plan

Saluda RBC Planning Process Schedule for Completion:

Jan- Finalize implementation Plan

Feb. Review and Discuss Draft and Executive Summary

Mar- 1st Pubic Meeting

Apr. Address Draft Plan Comments and Finalize Plan

May 2nd Public Meeting

For time management, John stated that he would send out a survey about the recommendations where members would figure out which recommendations to support or against. We can have a final discussion on it and vote on it.

Motion to adjourn: Thompson Smith – 1st and Eddie Owen – 2nd

Meeting adjourned at 2:24 pm

Minutes: Iffy Ogbekene and Tom Walker

Approved: 1/15/25

RBC Chat:

00:07:11 Kirk Westphal: KC, you need to step in front of the camera so we can experience the loss of beard!

00:07:36 Thomas Walker: Reacted to "KC, you need to step..." with 👍

00:26:12 Kaleighs: in favor

00:26:18 Rett Templeton: in favor

00:37:33 PFragap: When would the improved aerating turbine be operational?

00:38:43 gschmoltze: Can you share any cost information??

00:39:00 gschmoltze: man

00:49:06 Kaleighs: I support

00:51:08 gschmoltze: I'm the same. This statement really means nothing.

00:51:56 PFragap: Consensus: 'general agreement'...10-2 meets standard for a consensus . It's not unanimous, but we do have a consensus

01:00:10 Rett Templeton: I have to step away for another meeting. I will hop back on when I am done.

01:00:17 Thomas Walker: Reacted to "I have to step away ..." with 👍

01:01:22 Kaleighs: I support this recommendation

01:01:54 PFragap: Strongly in favor of including

01:02:20 Charlie Timmons: in favor

01:12:30 Thomas Walker: break until 11:15 or so

02:02:17 Kaleighs: I support with the word new

02:18:51 Kaleighs: I vote for

02:18:56 Charlie Timmons: I

02:19:02 gschmoltze: yes

02:26:52 Kirk Westphal: For what it's worth (my opinion): Lawmakers and Decision Makers benefit as much from understanding which issues were discussed but not resolved as they do from knowing where there is consensus. It can help to prioritize the substance of their deliberations.

02:28:41 Kaleighs: I am in favor of including as majority vote

02:28:54 gschmoltze: yes

02:28:58 Rett Templeton: I agree with including it

02:29:01 Charlie Timmons: include

02:30:17 Thomas Walker: break for lunch - until12:45ish

02:52:16 Kaleighs: in favor

02:53:06 Kaleighs: very confusing

02:53:22 Kaleighs: in favor

02:56:48 Charlie Timmons: agree

03:10:50 gschmoltze: agree

03:12:30 gschmoltze: we need to consider this

03:12:35 PFragap: dont throw it out

03:12:44 Kaleighs: don't throw it out

03:13:35 Charlie Timmons: don't toss it out

03:13:45 gschmoltze: fpm

03:14:42 Charlie Timmons: I've kinda lost track of space and time here

03:14:52 Kaleighs: I am with Charlie

03:14:54 PFragap: no

03:14:54 gschmoltze: no we need to consider

03:14:55 Kaleighs: Nay

03:14:56 Robert Hanley: For the motion.

03:15:59 Charlie Timmons: nay

03:16:00 Rett Templeton: nay

03:16:05 PFragap: dont throw it out

03:16:27 Kaleighs: nay, KEEP it

03:19:39 gschmoltze: in favor

03:19:42 Kaleighs: in favor

03:19:43 PFragap: In favor of reccommendation

03:19:56 Robert Hanley: Against the recommendation

03:27:40 Katherine Amidon, AICP Bolton & Menk: Rob could you type up a new recommendation that is in the spirit of what you are thinking?

03:36:18 Kaleighs: doesn't the state already fund the extension water programs ?

03:53:00 PFragap: In favor

03:53:07 Kaleighs: in favr

03:53:32 PFragap: I have to leave....good meeting...press on!

03:53:39 Thomas Walker: thanks phil

03:55:21 Katherine Amidon, AICP Bolton & Menk: The Saluda RBC will support and promote outreach and education to increase awareness with the general public around watershed-based planning.

03:55:24 Katherine Amidon, AICP Bolton & Menk: voting on this

03:55:44 Kaleighs: I support this

03:57:54 Charlie Timmons: for

04:00:05 Kaleighs: I have to jump off. Thank you all

04:00:25 Thomas Walker: thanks kaleigh

04:24:39 Thomas Walker: adjourned