



# Meeting Minutes

## Santee River Basin Council Meeting No. 6 (Hybrid Format)

Date: May 13th, 2025  
Time: 9:00 AM  
Location: Santee Operations Center  
(1 Riverwood Drive, Moncks Corner, SC 29461)  
Prepared by: CDM Smith  
RBC Members Present: Todd Biegger, Sarah Wiggins, Mike Wooten, Alicia Wilson\*, Michael Melchers, Riley Egger, John Grego\*, Jason Thompson, Hunter James (alternate for David Wielicki), Allan Clum, Tony Hill and Guinn Wallover (alternates for Allan Clum), Brandon Stutts\*  
RBC Members Absent: Jeff Ruble, W.E. Mickey Johnson, Jr., Hixon Copp  
Planning Team Present: John Boyer, Scott Harder, Brooke Czwartacki, Leigh Anne Monroe, Andrew Wachob\*, Joseph Koon, Sam Quinney, Melissa Griffin\*, Megan Marini, Nicholas Pinder\*, Kathryn Smith\*, Lauren Dwyre\*, Devendra Amatya\*  
*\*Attended virtually*

### 1.0 Call To Order and Welcome

The meeting was called to order at 9 am, with Michael Melchers welcoming the RBC members. Michael stated the meeting objectives and invited the RBC members for approval of the previous minutes and the agenda. The previous meeting minutes were approved by Sarah Wiggins with a second by Mike Wooten. The agenda was also approved by RBC motion by Todd Biegger and Mike Wooten.

John Boyer provided highlights of the April 25<sup>th</sup> WaterSC meeting which included presentation by Tricia Kilgore of the SC WaterReuse chapter. This is a relatively new chapter in SC, working with SCDES on a draft water reuse statute. The chapter is working on a marketing study and media campaign to promote water reuse.

### 2.0 Public and Agency Comments

Public comments: There were no public comments.

Agency comments: There were no Agency comments.

### 3.0 Review of Previous RBC Meeting

John reviewed how drought response is handled at the state level. John reviewed the RBC's decisions regarding drought communication and several drought recommendations.

### 4.0 Potential Drought Response Recommendation

John Boyer continued facilitating the discussion and selection of drought management recommendations that began during the last meeting.

The RBC approved the recommendation that encourages water utilities in the basin to consider drought surcharges on water use during severe and/or extreme drought phases. The Santee RBC recommended each utility should establish their own policies/triggers for implementing surcharges. The RBC requested that the example listing Mount Pleasant's example surcharge be removed from the recommendation.

The RBC discussed developing a recommendation that all water use sectors should consider best management practices (BMPs) related to water use and efficiency. John noted that we will have a separate discussion at a future meeting to review, discuss, and identify a toolbox of BMPs, and the RBCs decisions will be documented in chapters 6 and 7 of the River Basin Plan.

Melissa Griffin from DNR walked the group through the CMOR (Condition Monitoring Observer Reports) which is a public tool online where people can report drought or other weather conditions. The RBC agreed they should increase awareness of this tool and encourage more people to use it.

The RBC approved the recommendation to fund and establish a mesoscale network of weather and climate monitoring stations in South Carolina. Melissa explained the mesoscale network and how it is often sponsored by a state agency or university that provides real time data from precipitation, temperature, soil temperature, air temperature, etc. There is a lot that can be done with these stations. Startup costs for a station area between \$20,000 to \$30,000. Operations costs are higher due to the need for operations staff being hired to manage the stations and data. Ideally, one station per county would provide essential data. SCDNR and the State Climate Office would be responsible for implementing and maintaining it.

Michael Melchers with Santee Cooper stated that currently electric utilities are considered a non-essential use of water. He suggested that this classification should be reconsidered since the use of power is essential for water distribution.

## **5.0 Surface Water Law and Regulation**

Leigh Anne Monroe with SCDES reviewed groundwater use and reporting, surface water withdrawal, permitting, and reporting. SCDES issues permits/registrations statewide if a user withdraws over 3 million gallons a month during any month of the year. The Surface Water Withdrawal Permitting Use and Reporting Act was established in 2011 requiring permitting for those users meeting that criterion. Safe yield is calculated at the point of withdrawal. Typically, the nearest USGS stream gauge with a long period of record is used to determine flows to calculate safe yield and required minimum in-stream flows.

Existing withdrawers prior to the 2011 act are not subject to the minimum in-stream flow requirements. These users account for 97% of the permits, and no public notice was required. The surface water permits duration is for 20 years with possible extension to 50 years which is much longer than groundwater permit timeframes. Agricultural registrations do not require minimum in-stream flow requirements, and the permits have no expiration date. Additionally permits can only be transferred from like entity to another similar entity, so an agricultural registered permit can't be transferred to a developer. There is a \$7,500 application fee for a permit and a \$1,000 annual fee per intake. Since the Act was passed in 2011, only 9 new permits have been issued.

The RBC discussed the fact that the majority of the permits are grandfathered and last for many years, compared to groundwater permits, which are reviewed every 5 years. The group discussed whether there should be some changes made to have these grandfathered permit holders be reviewed and held them to similar requirements as newly permitted users. There is a concern that grandfathered users

may not be utilizing their fully permitted amounts yet their permitted amounts may restrict new permits. The minimum in stream flow requirements are only applicable to new permits so the majority of the permits in the state, which are grandfathered, means minimum instream flows don't apply to most users.

Q: How are upstream and downstream flows measured and where are they measured?

A: We look at upstream and downstream of proposed intake to see if there are already existing intakes and how much they are permitted or registered for and take that out of the total available. The reference gage used is not always close to the proposed intake, but an attempt is made to use the closest gage that has 30-plus years of data.

## **6.0 Surface Water Policy Challenges: Case Studies**

Joe Koon with SCDES summarized several case studies which highlight aspects of the surface water laws and regulations. The first case study involved industry looking to locate in an area where groundwater is unavailable in the long term, but surface water is readily available. The new industry would be subject to minimum in-stream flows and would be required to have a contingency plan. Grandfathered users would not need to have a contingency plan or meet the minimum in-stream flows.

Q: Have you been seeing push back or feel that the permitting requirements is a problem or burden?

A: The fact that the new user would be required to meet the minimum in stream flows and have a contingency plan while the surrounding grandfathered users were not subject to that provided some uncertainty and deterred them from locating there.

Joe presented an agricultural water use case study where farmers would seek to increase their registered limit or attempt to get a new registration, but all the safe yield has already been registered or used for the stream reach. This example represents the case in several areas of the state where new, very large registrations have taken the entire safe yield of river stretches, which restricts new farmers from being able to get permits in those areas.

Q: The registration permits for agriculture are just based on whatever amount they request?

A: Yes, they do not need meet any reasonable use criteria, like would be the case with a groundwater withdrawal.

If they can't get a registration, they can apply for a permit as long as they meet the minimum in stream flow requirements, have a contingency plan, and pay the \$7,500 permit fee and the \$1,000 fee per intake per year. This adds financial and other burdens which may negatively impact farmers, especially small farming operations.

Q: Has WaterSC addressed this issue or come to a solution?

A: There has been discussion, but they have not come to a consensus on a recommended fix.

Joe summarized a public water supply case study where a public supply system wanted to increase their water supply from a water body where grandfathered permits exist by transferring an industrial intake to a water supply intake. Joe noted this is currently not allowed. In this case, the reservoir was over allocated and permitted volumes exceeded physically available water based on the permitted amounts,

regardless of the actual use, which was lower. The new permit request could not be granted even though water is available.

## **7.0 Discussion and Selection of Policy, Legislative, and Regulatory Recommendations**

John Boyer led the discussion about policy, legislative, and regulatory recommendations. He explained that RBC members can suggest modifications to state law, local ordinances, regulations, etc. They can recommend new laws or ordinances, ideas for recurring funding for water planning work, and recommendations for restructuring existing groups or agencies.

The RBC approved by consensus the recommendation that the South Carolina Surface Water Withdrawal, Permitting, Use, and Reporting Act should allow for reasonable use criteria to be applied to all surface water withdrawals, like those that currently exist for groundwater withdrawals.

The RBC approved by consensus the recommendation to improve the current laws that allow for regulation of water use so that they are enforceable and effective. The current water law, which grandfathers most water users (97%), needs to be improved to support effective management of the state's water resources.

The RBC approved by consensus that the South Carolina Legislature authorize recurring funding as requested by SCDES for annual, ongoing state water planning activities, including river basin planning. Currently, nearly all the funding for the river basin planning process has come from the legislature. The RBC would like to meet annually at minimum and additionally by request.

The RBC approved by consensus that the South Carolina Legislature should establish a grant program to help support the implementation of the actions and strategies identified by each RBC's River Basin Plan.

The RBC discussed a proposed recommendation that water law and implementing regulations should not distinguish between registrations and permits. The recommendation suggests that 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 Capacity Use Areas to register their water use rather than apply for permits. The RBC decided they need to have additional discussion on this potential recommendation and placed it in the metaphorical "yellow bucket".

The RBC discussed a proposed recommendation that the water withdrawal permitting process should specifically assess the permit application's alignment with the legislatively approved State Water Plan. The RBC decided that they were not clear on the meaning of this potential recommendation and needed more time to discuss the wording, so this was placed in the "yellow/red" bucket, given there wasn't a lot of support for it.

## **8.0 Conclusions and Upcoming Schedule**

John provided an update on the surface water models, letting the RBC know there continues to be a delay while waiting on outflows from the Catawba River basin. The Santee model update cannot be completed until the final upstream flows are determined. The next RBC meeting will be held on June 10th, 2025. The agenda for next month's meeting will be included prior to the meeting date.