

MINUTES OF REGULAR MEETING OF COMMISSIONERS
OF LANCASTER COUNTY WATER & SEWER DISTRICT

A regular meeting of the Board of Commissioners of Lancaster County Water & Sewer District was held at Lancaster County Water & Sewer District's Administrative Office in the Conference Center Board Room at 6:30 p.m., on Tuesday, February 14, 2023, after due notice of the time, place, and purpose of such meeting.

Members Present: Gerald White, Doc Steele, Robert Barr, Jimmy Deaton, Larry Hammond, Robert Harris, Stephen White, Mike Williams and RJ Clyburn.

Members Absent: N/A

In addition, there were present: Brad Bucy, District Manager; Wes Carter, Operations Manager; Cayce Price, Administrative Assistant; Jim Sheedy and Susan Driscoll, District Legal Counsel

Gerald White called the meeting to order at 6:30 p.m. and chaired the meeting.

Approval of Minutes

Gerald asked if there were any questions or proposed changes to the January 11, 2023, Commission Meeting Minutes. Hearing none, he then asked for a motion to approve the January Meeting Minutes. Robert Barr made a motion to approve. Doc Steele seconded. All approved.

Public Comment as Necessary

Brad Bucy explained this time is set aside by the Board of Commissioners to allow individuals five minutes to address the Board on issues concerning the District.

Keith Fenn from True Homes brought up concerns of increased requirements associated with the proposed riparian buffer text amendment. Mr. Fenn's engineer brought up concerns about crossings for roads and sewer lines. Mr. Fenn's attorney asked for consideration to exempt phases which have been submitted for preliminary plat review.

Wastewater Master Planning and Capacity Presentation

Brad presented to the Board about wastewater master planning, wastewater treatment capacity, allocations, contractual agreements, discharge limitations, regulatory demands, and proposed mitigations.

This discussion was provided for information only.

Approval of Text Change Amendment to Water and Wastewater Extension Policy (para. 4.2) and Discussion of Amendment to the Technical Specifications – Riparian Buffers

Brad identified the Lower Catawba River Basin is on the South Carolina 303 (d) List of Impaired Waters for Nutrient Loadings. Excess nutrients, particularly nitrogen and phosphorus can stimulate the growth of algae in lakes. Algae blooms can deplete oxygen; cause the death of fish and other wildlife. As the authorized provider of water and sewer service within the

unincorporated County, LCWSD has concerns about development in areas located in close proximity to the Catawba River and its tributaries. Such development will increase nutrient and sediment loading in the River.

Riparian buffers have been identified as an effective tool for controlling watershed nutrients. Riparian buffers are areas located along the banks of streams, rivers, and other bodies of water. These buffers provide benefits by filtering stormwater nutrients and stabilizing streambank sediment. A riparian buffer provides a level of natural filtering to help prevent the increase in nutrients in the River. The source water protection and overall water quality of the Catawba River impacts LCWSD's drinking water supplies and provides limitations at both the Indian Land WWTP and the City of Lancaster's WWTP. This riparian buffer protection is necessary to assist LCWSD in current and future compliance with regulatory treatment limits.

Lancaster County Water & Sewer District staff proposes to not supply service unless undisturbed riparian buffers are provided in areas adjacent to the Catawba River in accordance with the attached text amendment.

Mike Williams made a motion to approve the attached text change amendment to the Water and Wastewater Extension Policy (para. 4.2) to establish riparian buffers to the Catawba River. Robert Harris seconded. All approved.

Approval of Duke Energy Easement Requests

Robert Barr chose to recuse himself and leave the room due to a potential conflict of interest in the proposed requests.

Brad turned the meeting over to Wes Carter to present two easement requests from Duke Energy for guying support and infrastructure improvements to Duke's facilities.

Doc Steele made a motion to approve the Duke Energy easement request for Valley Road and Harrisburg Road. Stephen White seconded. All approved.

Robert Barr was invited to return to the meeting.

Approval of Change Order #6 for State Utility at ILWWTP Upgrade

The Indian Land Wastewater Treatment Plant Upgrade is nearing completion. Wes provided an update on some final change order items including asbestos abatement in the existing building on site prior to demolition by State Utility. The other two items involved a new electric actuator and level transmitter for the sludge handling facilities. The total of this Change Order #6 is \$39,788.00.

Robert Barr made a motion to approve Change Order #6 for State Utility at ILWWTP Upgrade in the amount of \$39,788.00. Mike Williams seconded. All approved.

Adjourn

Doc Steele made a motion to adjourn at 7:45pm. Robert Barr seconded. All approved.



Robert Barr, Secretary

Text Change Amendment to Water & Wastewater Extension Policy (para. 4.2) and Technical Specifications

The Lower Catawba River Basin is on the South Carolina 303(d) List of Impaired Waters. Excess nutrients, particularly nitrogen and phosphorus, can stimulate the growth of algae in lakes. When algae grow out of control, it can result in an algal bloom, which can deplete the oxygen in the water and lead to the death of fish and other aquatic life. Algae blooms can also cause taste, odor, and toxicity problems in drinking water supplies.

Municipal and industrial wastewater and regulated stormwater are not the only sources of nutrients in the Catawba River Basin. Suburban, agricultural, and even natural areas contribute through stormwater runoff, which can carry fertilizers, animal waste, and nutrient laden sediments.

Although the State of South Carolina and Lancaster County have regulated and may continue to regulate riparian lands, including riparian buffers, neither the State nor the County is the authorized provider of water and sewer service within the unincorporated County. Lancaster County Water & Sewer District is the authorized provider. As the provider, Lancaster County Water & Sewer District has concerns about development in areas located in close proximity to the Catawba River and its tributaries. Such development may increase nutrient and sediment loading in the River.

Riparian buffers have been identified as an effective tool for controlling watershed nutrients. Riparian buffers are areas of vegetation located along the banks of streams, rivers, and other bodies of water. These buffers provide benefits by filtering stormwater nutrients and stabilizing streambank sediments. A riparian buffer provides a level of natural filtering to help prevent the increase in nutrients in the River. A buffer allows for the nutrients to assimilate into the buffer area. Assimilation adds another layer of protection for the source water. This is necessary to assist Lancaster County Water & Sewer District in compliance with regulatory treatment limits.

Lancaster County Water & Sewer District will not supply sewer service unless undisturbed riparian buffers are applied within 100 feet of all shorelines in Lancaster County along the Catawba River mainstem and all shorelines of the River mainstem lakes. In addition, undisturbed riparian buffers shall be applied within 100 feet of all perennial and 50 feet of all intermittent streams within $\frac{3}{4}$ mile of and that are tributary to the shorelines of the Catawba River mainstem. No lot lines shall be within these buffer requirements. All riparian buffer areas shall be considered open areas and governed by the covenants applicable to any subdivision of the property.

Riparian buffers shall be measured as follows:

Catawba River – measured from the landward limit of the top of the bank

Mainstem Lakes – measured from the normal full pond elevation and extend landward

Perennial and Intermittent Streams – measured from the landward limit of the stream top of the bank

Perennial streams refers to those blue lined streams indicated on a USGS 1:24,000 topographical map. Intermittent streams refers to natural watercourses that do not flow year-round, but beyond periods of rainfall and with greater frequency than similarly located ephemeral streams. For the

purposes hereof, the terms "perennial stream" and "intermittent stream" shall not include any waters that the U.S. Army Corps of Engineers has determined or shall determine are not subject to its jurisdiction.

Upon approval of Lancaster County Water & Sewer District, water and sewer infrastructure may be installed within the riparian buffer, as such installations will have negligible impact on the ability of the buffer areas to act as natural filtration systems.

Nothing herein is intended to relieve any person or entity from compliance with State and County regulations. Nothing herein is intended to displace or be inconsistent with State and County regulations. Should any person or entity contend that Lancaster County Water & Sewer District's regulations on riparian lands, including riparian buffers, are repugnant or even inconsistent with State and County regulations, such person or entity shall set forth in writing the substance of the repugnancy or inconsistency and afford Lancaster County Water & Sewer District an opportunity to work with the person or entity, the State and/or the County to resolve any conflict.

Lancaster County Water & Sewer District shall continue its monitoring of those areas within close proximity to the Catawba River and its tributaries and reserves the right to amend its policies related to riparian lands, including but not limited to, the requisite size and placement of riparian buffers.