

Lake Wylie Marine Commission
March 24, 2014
Belmont City Hall
Meeting Minutes



Commissioners Present: Chairman Brad Thomas (Gaston County)
Vice Chairman Lynn Smith (Mecklenburg County)
Secretary Treasurer Ed Hull (York County)
Commissioner Robert Biggerstaff (Gaston County)
Commissioner Neil Brennan (Gaston County)
Commissioner Terry Everhart (Mecklenburg County)
Commissioner Howard Virkler (Mecklenburg County)
Commissioner Ron Wanless (York County)
Commissioner George Medler (York County)

LWMC Staff Present: Joe Stowe, Executive Director; Chris Clark, Legal Counsel;
Emily Parker, Clerk

Meeting Minutes

Item 1 – Welcome and Introductions

Chairman Thomas called the meeting to order at 7:00 pm and welcomed everyone present.

Item 2 – Consent Agenda

Chairman Thomas asked if any items on the Consent Agenda needed to be removed. Commissioner Biggerstaff made a motion to approve the February 24 meeting minutes. Commissioner Virkler seconded the motion and it was approved unanimously. Two items needed to be added to the March meeting agenda (see below). Commissioner Everhart made a motion to approve the amended agenda. Commissioner Medler seconded the motion and it was approved unanimously.

Item 3 – Discussion of Items Removed from Consent Agenda (if any)

Funding for Gaston County Police Department training will be added to the Old Business section. Commissioner Wanless requested that regulations for spill management in the lake be added under New Business – Water Quality.

Item 4 – Public Comment –

Mr. Smitty Hanks, Representative to the Catawba Wateree Bi-State Commission – Mr. Hanks introduced himself and said that the Bi-State Commission met on March 21. They heard a report from the Water Management group led by Barry Gullet (Charlotte Mecklenburg Utilities Department; CMUD). The Water Management is comprised of ~19 stakeholders in the Catawba River basin. Mr. Hanks noted that a full report from the Water Management group is due out in the next couple of months. A report on recent PCB spills will be published soon as well. In summary, PCBs were dumped into a grease pit and PCBs stick to grease. When the grease/PCBs got to the wastewater treatment plant (WWTP), none of the PCB escaped from the sludge. That's good, but it will cost millions to clean up and dispose of waste. The

reciprocal fishing license also came up at the meeting Bi-State Commission meeting. From North Carolina's perspective, the state would be prepared to proceed. However, South Carolina Senator Hayes was not ready to commit to moving forward at the time of the meeting. Mr. Hanks also reported that North Carolina does not have regulations in place on surface water withdrawal. He added that SC Department of Health and Environmental Control (SC DHEC) presented on a fish tissue program. They tested bass for PCBs and mercury. Apparently, Mountain Island Lake has the highest recorded PCBs in bass north of Lake Wylie. Levels are generally less in Lake Wylie, but high again in pockets around the lake. Testing is expensive and there is not enough money to test tributaries to see where PCBs are being introduced into the food chain. Commissioner Wanless asked if catfish have been tested. Mr. Hanks said yes, but in the presentation the gentleman from SC DHEC focused on bass.

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department and SPLASH Report – Officer Joye was under the weather and was not present. Commissioner Everhart reported on the status of CMPD filling positions. CMPD officers have completed dive training and swim tests. He said that it has been fairly quiet otherwise.

Gaston County Police Department – Officer Hamrick reported that GCPD has completed training this month. Officer Hamrick and Officer Hord will fly to Seattle on Wednesday (March 26) morning. He reported that GCPD recently won a boating while impaired court case. The GCPD will likely have a media event once the new boat arrives.

York County Sheriff's Office – Sgt. Mabry reported that things have been slow on the water, but busy on land. The water officers have been busy supporting the land patrol. They did a boat and safety class in mid-March for 16 people, ages 12 to 78.

NC Wildlife Resources Commission – Officer Rowell was present and reported that there was just one boating accident last summer. The NCWRC is ready to get out on the water. Their "On the Road, On the Water, Don't Drink and Drive" safety campaign will start soon. They will have check points on water and roads. The NCWRC's goal is to make the water safe for everyone.

SC Department of Natural Resources – No one was present to report.

US Coast Guard – No one was present to report.

Mecklenburg County Land Use and Environmental Services Agency – No one was present to report.

Duke Energy – Ronnie Lawson reported to the group.

- Current lake level: 98.0 (target level is 97.0)
- Currently there are no dredge applications. Dredging is not allowed during fish spawning season.
- Drought Management Group – normal range

Executive Director Stowe asked about logs and debris that have been floating in the main channel. Mr. Lawson said that the logs will usually just sink. These situations just work themselves out.

Lake Wylie Lakekeeper Report – Mr. Sam Perkins reported to the group.

- Mr. Perkins commented on the PCB testing that was brought up during Mr. Hanks report. Lake James has never had a PCB test. There are 209 varieties of PCBs. The Catawba Riverkeeper Foundation will do the first-ever testing of PCBs – including all 209 varieties on Lake James. He

added that just because there is not an issued advisory does not mean you are safe to eat certain fish.

- The Catawba Riverkeeper Foundation had their boat battery stolen at a Lake Wylie marina.
- Connie Driscoll Miller presented to folks on Lake Wateree about how successful and well organized Riversweep is on Lake Wylie. Lake Wateree wants to emulate Lake Wylie's organization of this annual event.
- Mr. Perkins was supposed to meet with NC Department of Environment and Natural Resources (NC DENR) staff in Mooresville. That meeting will be rescheduled.
- Mr. Perkins addressed WWTP sludge spreading. CMUD has been doing this and will now publicize that this is happening.
- Mr. Perkins just came from Charlotte City Council meeting on moving coal ash to the Charlotte Douglas International Airport. He commented that at the present time, anything pertaining to coal ash and the Charlotte Airport has to do with the Riverbend plant. Commissioner Wanless brought up that the proposal is about using coal ash as a structural fill substance. Mr. Perkins said that the Catawba Riverkeeper Foundation got a tour of the Asheville airport where they are using coal ash as a structural fill substance. The Catawba Riverkeeper Foundation would like to see more information on how the coal ash would be used at the Charlotte Airport. They would also like to know what else is in the coal ash, in addition to metals. The Charlotte Airport needs to look at this proposal very carefully. Using coal ash as a structural fill substance under a parking lot would be better than under a runway. Charlotte City Council voted to go forward with a due diligence period. Historically, coal ash has been used many places without regulation.

Mecklenburg County Park and Recreation – No one was present to report.

Item 6 – Information Request from S&ME on behalf of Piedmont Natural Gas, Michael Wolfe, S&ME

Michael Wolfe with S&ME was on hand representing Piedmont Natural Gas (PNG). He talked about two (2) line crossings that need to be completed – one under the Catawba River and another under Lake Wylie. Each marine commissioner was provided a memo that gave details for each of the two projects. As part of FERC permit review process, PNG needs to get the LWMC's comments on these projects. There are 16" lines on either side of the shore, with a 12" line connecting under the river bed. Commissioner Virkler asked why the 12" line was put under the river bed to connect 16" line on either shore. Mr. Wolfe did not know the answer to this question, but will get an answer from his colleagues. The 12" connecting line will be replaced with a 16" line. Commissioner Wanless asked how deep the line will be under the bed. Mr. Wolfe did not know the answer to this question, but will get an answer. Commissioner Brennan asked about inspecting the lines with an in-line inspection device (ILID). Mr. Wolfe said that ILIDs are designed to go from lines that are mostly 12" up to 16" for just a short period, and then back to 12". Going from 16" to 12" causes the ILID to get momentarily stuck, which can cause significant speed variances that can result in failure to acquire the necessary data. Mr. Wolfe went on to say that if something goes wrong, they will put a whole new line in. The old 12" line will remain under the river bed. It will be capped and filled with grout. There were no other questions from the group. Mr. Wolfe will send answers to the questions posed during the meeting to Ms. Parker and she will distribute to the LWMC.

Item 7 – Riversweep 2014 Update

Commissioner Brennan reported that the first Riversweep planning meeting was held and he was elected as Chairman. Secretary Treasurer Hull was elected as Communications Director. Site captains have been selected and duties are being assigned. More boat captains are needed. The next meeting will be in a month or so. Planning for Riversweep 2014 is moving along and the group is ahead of where they were last year.

Item 8 – Tega Cay Update

Commissioner Brennan updated the group on Tega Cay compliance timeline items. The point is that Tega Cay had timeline and could not meet it. Commissioner Brennan will follow up and get answers as to why. Commissioner Brennan asked lawyers to include the LWMC in future meetings as stakeholders. Commissioner Brennan reported that when at a meeting in South Carolina, he asked who samples the water around Tega Cay when there is a spill. SC DHEC samples waters there every two months. Commissioner Brennan asked if he could get a copy of the reports. At the end of the conversation, it was not clear that his request would be honored. He will follow up and find out what's going on before the April LWMC meeting.

Commissioner Medler added that he recently went to the City of Rock Hill Water and Sewer Department and spoke with a staff person. He asked if helping Tega Cay with their waste water issues would cause a hardship for the City of Rock Hill. As it turns out, more than once, Rock Hill has offered help and assistance to Tega Cay. To this day, Tega Cay Water Service has never responded to Rock Hill's offers of help. The Rock Hill staff person said that if and when Tega Cay's pipes and system are fixed, someone will need to watch them closely. Commissioner Medler suggested that the LWMC purchase its own testing kit or hire a company to test the water coming out of Tega Cay. According to the Consent Order, water samples are supposed to be reported to SC DHEC. Sam Perkins added that Prism Labs is a trusted lab and lab supplier in Charlotte. He said that fecal coliform tests are ~\$30/test. Nitrogen and phosphorous tests can be more expensive. He added that testing sewage is different than testing metals. The good news is that SC DHEC has "laid the hammer down" with Tega Cay, probably because of citizens telling legislators that enough is enough. A conclusion was that the LWMC could test the water, but would likely *not* find something that implicates Tega Cay/Tega Cay Water Service. This solution is probably not best way to spend money. Mr. Perkins said that a time to possibly consider testing is when Tega Cay has had a lot of spills and is experiencing a drought – the backs of coves get "nasty." What you would not want to have is a bunch of tests that appear clean. Commissioner Brennan made a point of testing to be able to show trends. Mr. Perkins is working with the EPA. He is trying to map WWTPs, etc. in Tega Cay. Commissioner Brennan suggested the LWMC wait and see what Tega Cay water sampling data comes in from SC DHEC. Mr. Perkins said that a presentation from the City of Rock Hill would be useful.

Item 9 – Treasurer's Report

Secretary Treasurer Hull reported that the LWMC is financially sound and on budget.

Item 10 – Executive Director's Report

Executive Director Joe Stowe reported.

- a. 2014 Goal Setting Session: Executive Director Joe Stowe had no update to provide. He said if anyone has a particular goal they are interested in working on, to please tell him.
- b. Bi-State Commission Meeting Update: The Wildlife Compact was also brought up at the Bi-State Commission meeting. It is something that is practiced in 40 out of 50 states. The NC Legislature has passed a bill to bring it to North Carolina, but the Governor has not signed it yet. Basically, states

that are involved support each other's hunting laws. Executive Director Stowe asked the legislators associated with Bi-State Commission to look into this.

- c. Quality of Natural Resources Commission (QNRC) Meeting Update: Commissioner Biggerstaff and Executive Director Stowe gave a presentation on the LWMC to the QNRC, but the QNRC ended up asking about the status of the Mountain Island Lake Marine Commission.
- d. Northern Law Center Update: At the time of the meeting, there was interest in two possible spaces for a new law center. One option is at Dale's Landing in Belmont. Another option comes from the Daniel Stowe property developer who wants to see a law center near Catawba Creek near the NC/SC border. Commissioner Brennan asked how the law center would be paid for. Executive Director Stowe said that the LWMC could cover some of the costs. The point was made that the site in Belmont is closer to the northern end of the lake and there is already a southern law center in York County.

Item 11 – Chairman's Report

Chairman Thomas had nothing to report.

Item 12 – Clerk's Report

Ms. Parker said she was in the process of requesting funds from the three counties for FY 2014-2015.

Item 13 – Old/New Business and Commission Project Reports

- Water Quality –
 - Clean Marina/Clean Boating – Commissioner Biggerstaff noted that the Clean Marinas program is going well. He plans to check in on the marinas in the next few months.
 - Invasive Species – Commissioner Virkler said that he had nothing to report.
- Buoys – Commissioner Biggerstaff said that he has a list of all of the LWMC's buoys, but a map showing buoys would be helpful.
- Safety – Commissioner Everhart reported that SPLASH's covered storage area caved in during the heavy snow. Commissioner Everhart made a motion for up to \$200.00 for a car port to store SPLASH. Commissioner Wanless seconded the motion. The vote was taken and approved unanimously.
- Recreation – Chairman Thomas had nothing to report.
- Public Information – Secretary Treasurer Hull had nothing to report.

ADDED ITEM:

New Business: Water Quality Regulation for Spill Management in the Lake

Commissioner Wanless brought up the increasing number of spills into Lake Wylie and rising concern about water quality in lake. Legal Counsel Clark and Commissioner Wanless have been working on regulations to change the "economic calculus" for spill prevention and maintenance of sewage facilities. The objective is to make it more economically attractive to keep equipment running correctly and to keep sewage out of the lake. Commissioner Wanless distributed two similar draft regulations – one for North Carolina and one for South Carolina. He walked through them with the group. Commissioner Wanless requested that the marine commissioners review both drafts in the next month and discuss it again at the April meeting. If there are any questions in the meantime, marine commissioners should ask Legal Counsel Clark or Commissioner Wanless. Commissioner Virkler asked if the regulations would need to be shown to the county commissions. Legal Counsel Clark said yes, the LWMC has authority to move forward with these regulations. But, it probably would be prudent to run this information by respective county commissioners. He commented that the LWMC's enabling legislation gives the group authority to pass legislation – the issue has been with enforcement. Commissioner Brennan asked who would enforce these regulations. Commissioner Wanless replied that

penalties would be issued by the marine commission. A bookkeeping system would need to be set up. If this proceeds, the public would need to be notified. Chairman Thomas suggested gathering a list of questions in advance of the April meeting. Any questions should be directed to Legal Counsel Clark and Commissioner Wanless. Ms. Parker will compile the questions before the next meeting and include them in the LWMC's agenda package. This item will appear on the April meeting agenda.

ADDED ITEM:

Old Business: Gaston County Police Department Travel Assistance

Chairman Thomas made a motion to give Gaston County Police Department \$500.00 to cover expenses for Officer Hamrick to fly to Seattle for training on their new boat. Commissioner Biggerstaff seconded the motion and it was approved unanimously.

Item 14 – Adjournment

The meeting was adjourned at 8:38 pm.

The next LWMC meeting is scheduled for 7:00 pm on Monday, April 28, 2014 at Good Samaritan United Methodist Church (5220 Crowder's Cove Lane, Lake Wylie, SC).