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**Commissioners Present:** Chairman Neil Brennan (Gaston County)  
Commissioner Debi Chacharon (York County)  
Commissioner Ellen Goff (York County)  
Commissioner Hunter Wilson (Mecklenburg County)  
Commissioner Smitty Hanks (Gaston County)  
Commissioner Dan Mullane (Mecklenburg County)

**Commissioners Absent:** Vice Chairman Peter Hegarty (Mecklenburg County)  
Secretary Treasurer Blanche Bryant (York County)  
Commissioner Dan Hartley (Gaston County)

**Staff Present:** Chris Clark, Legal Counsel; Emily Parker, Administrator

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***Mission Statement***

*To promote public policies and support regulations for the preservation of Lake Wylie and its wildlife and for the education and safety of the citizens who use this beautiful natural resource.*

**Meeting Minutes**

**Item 1 – Welcome**

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

**Item 2 – Approval of Minutes**

Chairman Brennan asked if any changes need to be made to the January 28, 2019 minutes. Commissioner Goff moved to approve the January 28, 2019 minutes. Commissioner Chacharon seconded the motion. There was no discussion and the motion was approved unanimously.

**Item 3 – Approval of Agenda**

Chairman Brennan asked if any changes need to be made to the February 25, 2019 agenda. Commissioner Hanks moved to adopt the February 25, 2019 agenda. Commissioner Chacharon seconded the motion. There was no discussion and the motion was approved unanimously.

**Item 4 – Public Comment**

None.

**Item 5 – Stakeholder Reports**

Charlotte Mecklenburg Police Department (CMPD) – No report was given by CMPD. Commissioner Goff said that she saw CMPD Officer Joye recently and that he is in the northwest testing the CMPD’s new patrol boat.

Gaston County Police Department (GCPD) – Officer Hamrick reported that all six cadets passed the GCPD swim test.

York County Sheriff's Office (YCSO) – Sgt. Mabry reported that they are in the process of conducting trainings and swim tests.

Tega Cay Police Department (TCPD) – No report was given.

Mecklenburg County ABC Board Law Enforcement – No report was given.

NC Wildlife Resources Commission (NCWRC) – Sgt. Laton reported that they are conducting trainings and get caught up on boat maintenance. Sgt. Laton will send Ms. Parker boater safety training dates. Commissioner Hanks commented on a missing danger buoy. Sgt. Laton said he would check on it.

SC Department of Natural Resources (SCDNR) – No report was given.

US Coast Guard (USCG) – No report was given.

US Coast Guard Auxiliary – No report was given.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. Dave Ferguson reviewed the Lake Wylie Quality Report and Lake Use Support Index (LUSI) map for January. The topic of sampling at Allen Steam Plant came up and Mr. Ferguson said that they sample there eight times a year. Mr. Ferguson's team will sample there again in March. LUESA staff should be on the lake by the middle of March. Commissioner Goff asked if turbidity is seasonal. Mr. Ferguson replied that normally yes, it is seasonal. But this year, practically the whole lake is turbid because of the amount of rain that has fallen since October.

Duke Energy – Mr. Ronnie Lawson reported that:

- Lake level: 98.74' (target level: 97.0')
- Low inflow protocol: Normal
- No new dredge permits have been approved. A dredging moratorium will be in place for fish spawning season which is from March 1 – June 30.

Chairman Brennan asked about dredging related to the Northern Law Center. There was discussion about dredging and the FERC application process. Mr. Lawson said go ahead and submit the FERC request because it takes time to get through this part of the process. Commissioner Wilson asked about a dredging process that he saw which included heavy equipment being used in the water.

Commissioner Goff asked if anyone supervises the dredging process once a permit is approved by Duke Energy. She also asked about dredging permits for two D.R. Horton developments on Bonum Road in York County. Mr. Lawson said that Kermitt Taylor with Duke Energy is working on those permits. Commissioner Goff asked Mr. Lawson to let Mr. Taylor know that she inquired about those dredging permits and process.

Gaston County Cove Keeper – No report was given.

Catawba Riverkeeper Foundation (CRF) – Mr. Brandon Jones reported that the CRF's Executive Director Emily Syrewicze is leaving her position during the first week of April. He mentioned a well testing company that will analyze well water samples for free. Participants would need to drive to Mooresville to pick up bottles from the lab, collect the sample(s), and drive them back to Mooresville.

This opportunity is funded by the EPA and the National Science Foundation in conjunction with Duke and Virginia Tech.

On coal ash: Chairman Brennan commented that there appears to be a difference between the CRF's assessment of contaminants and the State's assessment of coal ash related contaminants in Lake Wylie. Mr. Jones said the CRF does not collect their own data for that but relies on the State and Duke Energy's data and HDR Engineering's hydraulic modeling. He added that they modeled the groundwater that flows into the lake and they sampled the groundwater. Chairman Brennan asked if they have found contamination in the lake. Mr. Jones said no contamination has been found in the lake. He added that contaminant-wise, it is at the parts per billion level and the lake flow averages 3,000 cubic feet per second. It would be unusual to see these contaminants in the surface water. However, they do find mercury and PCBs building up in the fish, but as far as he knows, thallium and cobalt do not appear in fish.

Commissioner Goff asked why this is important if contaminants are not being found in the lake. Mr. Jones replied that this is an unpermitted discharge of toxic materials into our drinking water reservoir. This material is moving into the lake, right now in small amounts, but suggested there is the potential for contaminants to concentrate later. Commissioner Goff added that the contaminants are concentrating in fish now. Mr. Jones said that the mercury is concentrating in fish. Chairman Brennan asked if the mercury is only coming from coal ash. Mr. Jones said probably not, but historically it is the biggest contributor.

Commissioner Hanks asked about how ground water gets into the lake. Mr. Jones said that the pond is elevated and the hydraulic head is approximately 57' above lake level. So, there is pressure and the dam is earthen. Mr. Jones described water flow related to the earthen dam. Commissioner Hanks asked if there a possibility of seepage stopping, and ground water starting to back up. He spoke about testing of wells conducted south of Allen Steam Plant and that very little well testing done north of the Plant. Mr. Jones commented on well testing and said that of the 121 wells sampled around Allen Steam Plant, 120 were above Department of Health and Human Services exceedance standards ([click here](#) for NC Department of Environmental Quality Well Water Exceedance Information).

Chairman Brennan asked about drinking water. Mr. Jones said that the CRF pulls data from NC Department of Environmental Quality (NCDEQ). Mr. Jones explained about different standards for testing at different levels of government and different agencies. Chairman Brennan asked about the options for dealing with coal ash. Mr. Jones said there are three options: remove it, cap it in place, or a hybrid of the two. Chairman Brennan asked if it is capped, is water going to continue to be pumped into the coal ash basins. Mr. Jones said no, according to a 2015 federal ruling, that must stop this year nationwide. Chairman Brennan asked, as far as Lake Wylie is concerned is the leaching into the lake going to stop once they cap it and stop pumping water into it. Mr. Jones said it will slow down due to less pressure, but because some of the coal ash is below the water table, that will continue to leach in. Chairman Brennan confirmed that none of what is leaching into the lake is above detectable levels according to samples collected from the lake by LUESA staff. Mr. Jones confirmed that CRF's surface water samples in the lake have not tested above the standard.

Chairman Brennan said that he is trying to get a sense about capping in place (and not remove it) and if doing so would be more of a threat to Lake Wylie, the same level of threat, or less of a threat. Is capping going to minimize or abate what is going into the lake now? Mr. Jones said that capping would be better than what is happening now. All options are better than what we have now. Chairman Brennan will follow up with the NCDEQ staff he communicated with because there seems to be a disconnect

between the Mooresville NCDEQ office and the CRF. If there are different standards in place, Chairman Brennan would like to know why and which standard the LWMC should look to and follow.

Alcoholic Beverage Control Board Law Enforcement – No report was given.

#### **Item 6 – Hydrilla Presentation**

Mr. Brett Hartis, PhD, with Duke Energy's Aquatic Weed Control Program presented to the LWMC on hydrilla. He stated that aquatic plants serve an important function in a water system. Less than 2% of non-native species are invasive. He said there are two bio-types of hydrilla. A plant like hydrilla spreads because it sends pieces of itself into the flow of the river and it propagates elsewhere. Dr. Hartis spoke briefly about the history of the Catawba River and the history of hydrilla in the river system. It appeared in Lake James in 1999. He said that a meter of hydrilla can produce 900 tubers. When get hydrilla are introduced, it can grow by acres and has insurance in the ground in the form of its tubers. In his research, he has tried to figure out how to exhaust tubers. His team tried clipping them back, but the clipped fragments grew shoots. He spoke about the grass carp mortality rate, once introduced into a lake. Some die, but some survive and live on. However, introducing too many grass carp could lead to fish starvation.

Dr. Hartis addressed a new hydrilla infestation on Lake Norman. Duke Energy stocked Lake Norman with 10,200 grass carp last year and will stock 12,500 this year. Lake Norman contains 645 acres of hydrilla. Mountain Island Lake also has hydrilla and will get grass carp. Lake Wylie had hydrilla in 2006. Grass carp were stocked in 2008. 2014 was last time hydrilla was found in Lake Wylie. Duke Energy's hydrilla program folded in 2016, and hydrilla came back. Hydrilla came into Lake Norman at Blythe Landing. Hydrilla could likely come into Lake Wylie through heavily used boat landings. Dr. Hartis said that the most effective means of management is prevention. Commissioner Hanks asked about hydrilla prevention and tuber control. Dr. Hartis said that a best practice is to catch hydrilla when it is an acre in size and has not dropped tubers yet.

#### **Item 7 – Follow Up: Highway 274 Force Main Project**

Commissioner Chacharon addressed the LWMC saying that on February 19, she and Chairman Brennan met with Ms. Ashlee Marsh with Dewberry and Mr. Barry McKinnon with York County Engineering at the project site. After that visit, Chairman Brennan and Commissioner Chacharon determined that they were satisfied to support the project. Commissioner Hanks moved to support the work being done on this project as indicated. Commissioner Goff seconded the motion. There was no further discussion and the motion was approved unanimously. Ms. Parker will send Ms. Marsh a letter of approval on behalf of the LWMC.

#### **Item 8 – Follow Up: US 29/74 Bridge Replacement Project**

Mr. Steve Rackley ([srackley@ncdot.gov](mailto:srackley@ncdot.gov)) with NCDOT Division 12 was present to follow up on what was discussed about this project at the February LWMC meeting. He said that in next few months, the LWMC will receive a letter from the project engineer (RK&K), per the FERC process. He noted that bridge clearances have changed. Because of police boats having a height of 12'1", NCDOT will change clearance under the bridge to at least 12'1". He noted that having the whole bridge at a height of 12'1" would expand it well beyond the banks. Mr. Rackley commented that perhaps making just middle part over the main channel 12'1" would suffice. He said a bridge aesthetics committee is in place. Commissioner Hanks said that road signage would need to be kept on the bridge. Ms. Parker will follow up with RK&K about the letter.

### **Item 9 – Catawba Nuclear Station and Allen Steam Plant Tours**

Chairman Brennan addressed setting up tours of Allen Steam Plant and the Catawba Nuclear Station. The Allen Steam Plant tour is tentatively set for Friday, March 8 from 1 pm – 3 pm with pertinent details forthcoming. The group will postpone the Catawba Nuclear Station tour until after March. Ms. Parker will send out another scheduling poll for that tour.

### **Item 10 – Discussion about LWMC Standing Committees**

Chairman Brennan introduced this idea and confirmed who would lead and/or be part of each Standing Committee:

- Public Relations: Commissioner Goff (Chair), Commissioners Wilson and Hartley
- Water Quality: Commissioner Mullane (Chair), Commissioners Hanks and Chacharon
- Safety: Secretary Treasurer Bryant
- Law Enforcement Center: Chairman Brennan

### **Item 11 – Treasurer’s Report**

In Secretary Treasurer Bryant’s absence, Chairman Brennan reported the following:

- Mecklenburg and York counties are paid through Q3 (January 1 – March 31) and Gaston County is paid fully for FY 18-19.
- In the process of submitting funds requests to each contributing county for FY 19-20 (\$25,000 per county).
- The LWMC needs to start thinking about assembling a budget subcommittee to draft the FY 19-20 budget and address any FY 18-19 budget amendments (for line items that are over).
- The FY 19-20 draft budget is presented to the LWMC at the May 20, 2019 meeting and approved at the June 24, 2019 meeting.

### **Item 12 – Chairman’s Report**

Chairman Brennan reported the following:

Northern Law Center: The Belmont Rowing Club (BRC) has conveyed the deed for the three acres of land for a park to the city of Belmont. The on-site review of the surveyed areas has been delayed to Thursday, February 28. Chairman Brennan will review the surveyed site with Belmont City officials and the BRC staff to confirm the location of the proposed boat house for the Gaston County police boat and the Belmont City fire boat.

Chairman Brennan consulted with Perry Johnston of Dockmasters to confirm the size of the lifts that may be required for the boats and the amount of dredging that may be needed to accommodate a lift for the Gaston County police boat. After advising the GCPD hierarchy that Belmont has budgeted funds for a lift for the City’s fire boat, the GCPD is following suit.

Though they understand that there is sufficient depth at the proposed site to accommodate the police boat without a lift, they would prefer to have one and are pursuing different avenues to come up with the needed funds which could exceed \$20,000.

Shorescaping: Chairman Brennan and Commissioner Hanks presented the Shorescaping study to Belmont City Planning Director Shelley DeHart. The City is considering the new park as a site for implementing the Shorescaping recommendations. The land for the park was donated by the BRC. He sent the electronic version of the Shorescaping presentation to the Lake Norman Marine Commission.

Meetings: Chairman Brennan attended the February meeting of the Lake Norman Marine Commission and a Montcross Area Chamber of Commerce event.

News Stations: FOX Charlotte has agreed to support safety public service announcements (PSAs) prior to the major boating holidays and to provide coverage of Riversweep 2019. Responses to similar proposals to local ABC and NBC stations are pending.

During Chairman Brennan's report, Mr. Dave Ferguson with Mecklenburg County LUESA commented on a private boat ramp referred to as Bobby's at the Highway 27 bridge. He said that a boat cannot put in there because of accumulated sediment, which poses a safety issue. That ramp has been used in the past as a launching place to access people stuck by the dam. Sgt. Mabry said they have run in to the same type of sedimentation issue in Rock Hill at RiverWalk.

### **Item 13 – Clerk's Report**

Ms. Parker did not have a report.

### **Item 14 – Old/New Business and Commission Project Reports**

#### **a. Water Quality**

- Clean Marina/Clean Boating: Commissioner Mullane distributed and reviewed the LWMC Clean Marina Checklist. Commissioner Mullane moved that the LWMC approve the Checklist for South Carolina. Commissioner Hanks seconded the motion. Discussion: Commissioner Hanks asked if there would be anything difficult to inspect or anything too technical. The answer is no. The vote taken and approved unanimously.
- Sedimentation: Commissioner Goff reported that on January 30, she held a meeting at her home with three families that live in last houses on Bonum Road. Several York County staff members and elected officials joined this meeting to discuss the ongoing sedimentation problems that plague the neighborhood from D.R. Horton's Cypress Point development. Commissioner Goff and the families brought this issue to light for York County staff and elected officials and asked them to find solutions. According to Commissioner Goff, they have been receptive to concerns about the sediment that is flowing into Lake Wylie and Mill Creek.

Commissioner Goff commented that the size of the sedimentation particles discharged through stormwater vary a great deal in size. The construction companies are required to sequester 80% of the particles that wash off their land. That means that 20% clay particle discharge is permissible, but not acceptable. Commissioner Goff invited Mr. Brandon Jones with CRF to speak to this issue. Mr. Jones spoke more about the details of the 80% of particles that is to be held back and the 20% that can be discharged. Depending on the size of the development site, 20% can mean a significant amount of sediment. Sediment catching is done by mass, so what comes off a site first (part of the 80%) will likely be heavy particulates (clay). The 20% that is permitted to be discharged, which may be finer or lighter than clay, leads to turbidity in the water. Mr. Jones said in reading through stormwater permits, there used to be a standard for turbidity. It was removed nationally through lobbying in 2012. There is no longer a national standard for turbidity. However, there is a statement in the permits that says discharge may not cause receiving water to become impaired. CRF now has a turbidity meter that proves it is not just "dirty water." Mr. Jones will speak with SC Department of Health and Environmental Control (SCDHEC) leaders this week. MR. Jones will have more to report at the next LWMC meeting. Chairman Brennan

asked about state sediment regulations versus local sediment regulations. State agencies (e.g., NCDOT) must comply with the State's sediment control ordinance, which may be less stringent than county sediment control ordinance standards.

- Shoreline Plantings: Commissioner Mullane had nothing further to report.
- PCBs and Heavy Metals in Fish: Commissioner Hanks spoke with Tracy Richardson about why some fish are building up PCBs and heavy metals. Sgt. Laton says that the NCWRC lists fish advisories on their website.

b. Northern Law Center: Chairman Brennan had nothing further to report.

c. Buoys

Buoy Maintenance: Commissioner Hanks had nothing further to report. Commissioner Goff said the Pier 49 Marina owner takes exception to buoys being out of place and boaters speeding by and rocking piers and boats.

d. Safety Programs

- Life Jackets for Law Enforcement: No report was given.
- For Boat Rental Companies: Commissioner Wilson reviewed the initial draft of a rental boat agreement he put together. He had concerns about additional insured piece that was part of the Lake Norman Marine Commission's rental boat agreement and is the agreement enforceable among counties. Chairman Brennan applauded the agreement as a good start. Commissioner Wilson will speak with Legal Counsel Clark and Mr. Clark will review the draft agreement. Another questions is about what kind of liability or legalities are involved. Mr. Clark noted that those topics are best discussed in a closed session. Another option could be to cultivate and distributes best management practices (BMPs. Boat club members receive regular education on boater safety. The daily boat renters cause the most concern. According to Commissioner Wilson, there are between 60-70 Vacation Rental By Owner (VRBO) or Air B&B properties on Lake Wylie. Some of those places come with a boat and no training.
- For Paddle Boats (kayaks/paddle boards): Commissioner Wilson had nothing further to report.

e. Public Relations

- Website Updates: Commissioner Goff reviewed the web site content update memo she distributed to the LWMC. The request is that each Standing Committee (Public Relations, Water Quality, Safety) be responsible for reviewing and suggesting edits to their portion of the LWMC website. Edits and/or new content should be emailed to Ms. Parker on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month. Ms. Parker will gather edits and/or new content ideas, review them for clarity, and send them to the LWMC webmaster who will make the changes on the web site. Commissioner Wilson noted that he is proficient in WordPress. Commissioner Goff also raised the idea of refreshing LWMC business cards and adding the LWMC mission statement on back of cards. The PR committee needs to come up with a more succinct mission statement for the larger group to weigh in on.

## **Item 15 – Adjournment**

The meeting adjourned at 9:17 pm.