



CMCOG Board Meeting

12:00 Noon

Thursday, March 24, 2005

AGENDA

1. **Call to Order** E. W. CROMARTIE, II, CHAIRMAN
2. **Determination of Quorum**
- ACTION** 3. **Approval of the Agenda**
4. **Introduction of Guests** GREGORY SPROUSE, PRINCIPAL GIS PLANNER
5. **Invocation**
- ACTION** 6. **Consent Agenda**
 - A. Minutes of February 24, 2005 Board Meeting (*Enclosure 1*)
 - B. Approval of Resolution Authorizing the Executive Director to Apply for and Administer Grants From FTA/FWHA (*Enclosure 2*)
 - C. Minor Amendments to the Long Range Transportation Plan -Transit Element (*Enclosure 3*)
- ACTION** 7. **Proclamation Honoring Butch Spires (*Enclosure 4*)** CHAIRMAN CROMARTIE
- ACTION** 8. **Kershaw County Request to Withdraw From the CMCOG 208 Water Quality Management Planning Process** NORMAN WHITAKER, EXECUTIVE DIRECTOR
(*Enclosure 5*)

EPAC has recommended against amending the CMCOG 208 Plan to transfer Kershaw County and Camden to the Santee-Lynches COG 208 Plan. Richland County Council has written the CMCOG Board to oppose the change "***unless and until Kershaw County and Santee-Lynches COG agree to recognize the right of our agent (Palmetto Utilities) to construct and operate facilities to treat wastewater generated in Richland County in accordance with the CMCOG Plan***".

9. **Briefing on Federal Transportation Funding (*Enclosure 6*)** NORMAN WHITAKER
- The anticipated reauthorization of the Transportation Equity Act for the 21st Century (TEA-21), the upcoming completion of SCDOT's "27 in 7" bonding program, and the possible adjustment of SCDOT's formula for transportation allotments to COG and Metropolitan Planning Organizations (MPOs), based on population growth, could all have positive implications for our region.

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- 10. Briefing on Aging Procurement** SHARON SEAGO, DIRECTOR
AREA AGENCY ON AGING

Staff will brief the Board on the procurement process for aging services.

- 11. CDBG Applications (Enclosure 7)** ROBIN COOLEY
PRINCIPAL PLANNER

Staff will brief the Board on the current round of Community Development Block Grant Applications to be submitted in April.

- ACTION 12. Briefing and Resolution on Proposed Elimination of CDBG and EDA Programs (Enclosure 8)** ROBIN COOLEY,
PRINCIPAL PLANNER

The President's proposed FY 2006 budget would eliminate the Community Development Block Grant (CDBG) and Economic Development Administration (EDA) programs. These have been important financial tools for our region and our member governments.

- 13. Executive Director's Report** NORMAN WHITAKER

- 14. Old/ New Business**

- 15. Adjourn**



CMCOG Board Meeting Minutes

February 24, 2005

A meeting of the Central Midlands Council of Governments was held on Thursday, February 24, 2005, in the CMCOG conference room.

Members Present:

Fairfield County	David Brown
Lexington County	Smokey Davis Melanie Ellerbe Homer Mitchell S. Lyman Whitehead
Newberry County	Vina Abrams Hodge Harmon
Richland County	Earl F. Brown, Jr. Bruce Carter Marshall Hoefler Valerie Hutchinson Michael Letts Joe McEachern Tony Mizzell Bernice Scott
Cayce	Avery Wilkerson, Jr.
Columbia	E. W. Cromartie, II John Hardee
Forest Acres	Mark Williams
Irmo	Paul Younginer
Newberry, City	Ed Kyzer
Winnsboro	Quay McMaster
Fairfield Co. Legis. Del.	Creighton Coleman
Lexington Co. Legis. Del.	Ted Pitts
Newberry Co. Legis. Del.	Walton McLeod
Richland Co. Legis. Del.	Jimmy Bales

Staff Present:

Harriet Anderson, Special Assistant to the Exec. Director
Nevetta Blocker, Executive Director
John Huffman, Planner & Grants Administrator
Joe Ryan, Senior Planner
Wayne Shuler, Chief Planner
Reginald Simmons, Director of Transportation Planning
Gregory Sprouse, Manager, GIS
Dee Waddell, Administrative Assistant
Norman Whitaker, Executive Director
Susan Wilson, Senior Planner

Visitors:

Harry Deith, Lexington Chamber of Commerce
Donna Freeman, CTE Engineers
Donna Gulledege, Lex. Co. Water & Sewer Authority
Louise Moore, SCDOT
Johnny Sharpe, Cayce City Manager
Brenda Wilhite, Kershaw Co. Assistant Administrator

Advisory Members Present:

Chapin Stan Shealy, Mayor

1. CALL TO ORDER

Chairman E. W. Cromartie, II, called the meeting to order at 12:08 p.m.

2. DETERMINATION OF QUORUM

A quorum was not yet present. Chairman Cromartie stated that he would accept motions for action items and then, when a quorum is achieved, he will ask that the motions be ratified.

4. INTRODUCTION OF GUESTS

Gregory Sprouse introduced guests at today's meeting; they are listed above.

5. INVOCATION

Reginald Simmons gave the invocation.

6. CONSENT AGENDA

Minutes of January 27, 2005 Board Meeting.

- A motion was made by Michael Letts and seconded by Bernice Scott to approve the minutes of the January 27, 2005 Board meeting. Motion passed unanimously.

7. TRANSPORTATION IMPROVEMENT PLAN (TIP) AMENDMENTS

Reginald Simmons presented two amendments to the TIP.

Intersection Improvements Program

Reginald Simmons stated that in August 2004, the CMCOG Board approved an intersection improvement program for the urbanized area. We provided SCDOT with a list of intersection improvement projects. The premise of the program was to allow SCDOT to select the order of completion in accordance with their work program. Selections were based on safety, traffic volumes and benefit to the public. Four projects were selected by SCDOT — two in Lexington County and two in Richland County — and are listed in order of priority:

1. Polo Road at Mallet Hill Road — Richland County
This would provide turn lanes on Polo Road
2. Old Orangeburg Road at Old Barnwell Road — Lexington County
Left turn lanes on Old Orangeburg Road and a right turn lane on Community Drive

3. Garners Ferry Road at Old Woodlands Road — Richland County
Dedicated right turn lane on Old Woodlands Road
4. Old Orangeburg Road at Community Drive — Lexington County
Left turn lanes on Old Orangeburg Road and a right turn lane on Community Drive

Mr. Simmons stated that there is sufficient funding available in the TIP for these projects. They are currently in the design phase at SCDOT.

- **A motion was made by Michael Letts and seconded by Bernice Scott to amend the TIP to approve the four projects set forth by the SCDOT. Motion passed unanimously.**

Section 5310 Grant Applications

Mr. Simmons stated that Section 5310 is a grant program designed to provide mobility to senior citizens and individuals who are disabled. This is an 80/20 match program provided through FTA. It is available to public transit providers and specialized human services providers. The funds are usually used to purchase buses or vans, or to contract for these services. Mr. Simmons said that we received four applications:

1. Newberry County Council on Aging - to purchase one 15-passenger vehicle
Total Project Cost: \$42,072
2. The Mental Illness Recovery Center - to purchase one 17-passenger vehicle
Total Project Cost: \$45,000
3. Lexington County Recreation & Aging Commission - to purchase one 17-passenger vehicle
Total Project Cost: \$45,390
4. Senior Resources, Inc. - to purchase one 17-passenger vehicle
Total Project Cost: \$45,830

- **A motion was made by Michael Letts and seconded by David Brown to approve the four proposals for new vehicles. Motion passed unanimously.**

◆ At this time, Chairman Cromartie introduced new Board member Richland County Councilwoman Valerie Hutchinson.

8. LONG RANGE TRANSPORTATION PLAN AMENDMENT: ADOPTION OF TRANSIT ELEMENT

Reginald Simmons stated that FTA, through their state certification process has directed us to strengthen the Transit Element of our Long Range Transportation Plan by making it a 20-year cost constraint plan. We have worked closely with the Central Midlands Regional Transit Authority and their consultant, Wilbur Smith Associates, to develop this Transit Element. He then asked Susan Wilson, CMCOG Senior Planner, to present the update.

Ms. Wilson stated that the Transit Element is one part of our Multi-Modal Long Range Transportation Plan and it is updated every three to four years. There are three main indicators of need for transit in an area.

The indicators are significant housing and employment densities, as well as areas of low to moderate median household income. In the year 2000, household densities were concentrated east of downtown, St. Andrews, West Columbia and north of downtown. In 20 years we expect the concentration to remain east of downtown, and St. Andrews, but shift to Lexington and Richland northeast. She presented maps showing the household density in the year 2000 and the household density in 2025. There is significant household density that will continue to expand in the Central Midlands region.

Ms. Wilson noted that employment density is also an indicator of need. The greatest concentration is in downtown Columbia. Twenty years from now, we expect to still see employment concentrated downtown, but we also plan to see employment follow the patterns of growth.

Major trip generators and attractions show areas where we could run transit lines to pick up large amounts of people. Generators are schools, such as universities and apartment complexes, and attractions would be hospitals, government offices, shopping areas and libraries. The transit system currently provides fixed-route bus service, Dial-A-Ride Transit, and trolleys.

Our goals for transit in the future:

- Achieve financial stability through a dedicated funding source for the CMRTA
- Explore opportunities for higher passenger transit, to get more people to use the transit services
- Encourage land use and travel patterns that support mass transit

❑ **A motion was made by Jimmy Bales and seconded by Bernice Scott to approve the Transit Element of the Long Range Transportation Plan. Motion passed unanimously.**

◆ Chairman Cromartie announced that a quorum has been reached with the arrival of Joe McEachern and Tony Mizzell.

❑ **A motion was made by Jimmy Bales and seconded by Bernice Scott to ratify all the motions previously made in today's meeting. Motion passed unanimously.**

9. HAZARD MITIGATION PLAN: BRIEFING ON NEXT STEPS

John Huffman stated that the Federal Emergency Management Agency (FEMA) has approved the regional Hazard Mitigation Plan that was prepared after over a year of working with the core planning team and county committees in each county who comprised of members of the participating jurisdiction who are interested in the outcome. The function of the plan is to make participating jurisdictions eligible for 75/25 hazard mitigation grants from FEMA. This relates to conditions such as areas of repetitive flooding — the same pieces of property are damaged by natural hazards — obtaining financing to mitigate those hazards. This is not emergency funding; it is the relief or repetitive funding. In order for this to become effective, FEMA is asking the affected units of governments, not so much the COG, but the participating jurisdictions, to adopt a resolution. A copy of an explanatory and a resolution, together with a compact disk of the entire plan, has been mailed to all of the participating jurisdictions to review. He asked participating jurisdictions to please expedite the approval of it and to send a copy of the resolution back to CMCOG so that we can, in turn, forward it to FEMA and get the process finished. Mr. Huffman concluded by saying that there are no onerous, unfunded mandates associated with this, but it does require the adopting jurisdictions to keep

accurate records of the occurrence of hazards, particularly flooding, wildfires, so that when the plan is updated in five years, we will have better information to update with. He thanked the jurisdictions for the assistance of their staffs in developing this plan.

10. WORKKEYS PROGRAM

Bonnie Austin, Director of the WIA Program, stated that WorkKeys was developed by the American College Testing Corporation (ACT). It is a process that measures job-related knowledge in nine different areas. However, we plan to focus on three areas:

1. Reading for information,
2. Applied mathematics, and
3. Locating information.

They felt these three areas would be beneficial, based on employer surveys as to what they feel they would need most in their business. The businesses may use generic job profiles that have been created or we can customize them to their specific needs or their unique jobs. The minimal functional scores to be established are benchmarked to the level that a business may need to perform particular jobs. For applicants who score below that particular level, we will have two programs — WIN and Key Train — to get those individuals up to the functional level as needed for employers.

Ms. Austin noted that they had submitted a grant application to the State Workforce Investment Board and received a grant to market WorkKeys. They also submitted and received another grant to pay for the assessment of individuals that come in who are WIA eligible.

◆ Next Chairman Cromartie announced that at their meeting earlier today, the Executive Committee approved establishing the annual Central Midlands Council of Governments Outstanding Service Award. The purpose of this award is to recognize an outstanding individual in the Central Midlands region who has promoted regional development and understanding. The award would be given to one person each year, who would be chosen by the Executive Committee. The Executive Committee has nominated Butch Spires as the first recipient of this award. Chairman Cromartie noted that Butch has been an active member of the COG for almost 25 years. He has also been involved with the development of the CMRTA, of which he is Chairman. In addition he is on the Columbia Convention Center Board of Directors. He typifies personifies at work.

- **A motion was made by Smokey Davis and seconded by Jimmy Bales to approve the establishment of a Central Midlands Council of Governments Outstanding Service Award. Motion passed unanimously.**

Joe McEachern asked Chairman Cromartie to provide to the Board a list of the criteria that will be used to choose a recipient so they will know what is expected for choosing future recipients. Mr. Cromartie said they would develop the process.

11. EXECUTIVE DIRECTOR'S REPORT

A. 208 Plan Amendment

The Executive Committee met on February 14th with a delegation from Kershaw County to discuss Kershaw County's desire to withdraw from the CMCOG 208 Water Quality Planning Program. We were directed to take the issue back to EPAC. Our EPAC will meet on March 3rd at 11:00 a.m. at a special called lunch meeting to discuss this issue. We will have a public meeting on March 15th at 6:00 p.m. here at Central Midlands to comply with the process in our plan. On March 24th the issue will come back to the Board for action. Following the earlier directions of our Executive Committee to pass a resolution, EPAC will be looking at both the Santee-Lynches Water Quality Plan, which Kershaw County would become part of, and an amendment to our own plan to remove Kershaw County. It is not an issue to ask where Kershaw County receives their water quality planning services. They are a member of Santee-Lynches COG and pay dues there and that COG can now do water quality planning. The concern is that DHEC has told us that in order to effect this change, the 208 Plans of both bodies (Santee-Lynches and Central Midlands) would have to be revised. There is some concern about the impact of any amendments on our jurisdictions. Probably the biggest issue is the impact on Palmetto Utilities, which has permits in Kershaw County for facilities that serve existing and future growth in northern Richland County. We have written a letter to Kershaw County Administrator Bobby Boland and the Executive Director of the Santee-Lynches COG, Mr. Jim Darby, telling them that a critical issue in making a decision is what will happen to Palmetto Utilities and what are their intentions with regard to allowing Palmetto Utilities to exercise their existing DHEC permits to expand their capacity. Smokey Davis asked and Mr. Whitaker affirmed that the permit held by Palmetto Utilities was issued by DHEC, not the COG.

B. COG Committees

We will be surveying the Board next month. We are preparing for a change in Chairmanship at the end of June. We will survey everyone to see if they are interested in continuing on committees on which they now serve. If they are not now on a committee, where do their interests lie in terms of the various committees of the COG.

C. FY 2006 Budget and Work Program

We will bring this to the Board as a preliminary discussion draft in April and ask for approval at the May Board meeting. If anyone has any projects or services that you want to suggest be included in our work program, we will be glad to consider those.

D. S.C. State University Transportation Center

We were asked at one of our committee meetings to check out the James Clyburn Transportation Center at S.C. State University in Orangeburg. Reginald Simmons, Gregory Sprouse and Norman Whitaker went to S.C. State a few weeks ago and met with the Director and staff of that program. This is a very well funded transportation initiative that is housed only a 40-minute drive from us. There may be opportunities for us to work together in the future as far as us getting interns from their master's degree in their transportation program. They are also capable of providing consultant services and serving as contractors and they occasionally have plant opportunities that we might be able to benefit from.

One other transportation-related item: Last week Mr. Whitaker attended the Upstate High-Speed Rail Corridor Task Force in Greenville. He got a lot of relevant material for our own high-speed rail project that we have been working on.

Bernice Scott asked if we have tried to coordinate with S.C. State University for their transportation. She said she had visited them about a year ago and saw some things that they were doing which she really felt we could utilize in our rural areas. She suggested that we might want them to come do a presentation to the Board sometime in the future.

Chairman Cromartie stated that he agreed that it would be beneficial to have Dr. Hill with S.C. State University do a presentation on their program. Mr. Whitaker responded that they have already agreed to do this, perhaps at the April meeting.

12. OLD/NEW BUSINESS

13. ADJOURN

Chairman Cromartie adjourned the meeting at 12:35 p.m.



ENCLOSURE 2

Memorandum

TO: Central Midlands Council of Governments Board of Directors
FROM: Reginald E. Simmons, Transportation Director
DATE: March 16, 2005
RE: Resolution for grant applications

On an annual basis, the Central Midlands Council of Governments is required by federal guidelines to pass a resolution authorizing the Executive Director to apply for federal grant funding. Attached, please find a resolution for filing grant applications with the United States Department of Transportation and the South Carolina Department of Transportation for your review.

If you have any questions or need additional information, please don't hesitate to contact me at 803-744-5133 or respond by email at rsimmons@centralmidlands.org. Thank you in advance for your cooperation.

cc: Norman Whitaker

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236 Stoneridge Drive, Columbia, SC 29210 ♦ (803) 376-5390 ♦ FAX (803) 376-5394 ♦ Web Site: <http://www.centralmidlands.org>



RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF GRANT APPLICATIONS WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE EXECUTION OF GRANT AGREEMENTS THAT MAY RESULT FROM THE CENTRAL MIDLANDS COUNCIL OF GOVERNMENT GRANT APPLICATIONS.

WHEREAS, the United States Department of Transportation (USDOT) and the South Carolina Department of Transportation (SCDOT) are authorized to make grants for transportation and mass transit planning programs and projects and intermodal transportation programs and projects; and

WHEREAS, the Central Midlands Council of Governments (CMCOG) is eligible to receive capital, operating/administrative, and planning/special studies funding assistance from the USDOT and the SCDOT, in accordance with the Code of Laws of South Carolina; and

WHEREAS, contracts for planning/special studies, operating/administrative, and capital assistance will impose certain obligations upon the applicant, including the provision, as applicable, of the local share of the project costs; and

WHEREAS, it is required by the USDOT and the SCDOT in accord with the provisions of Title VI of the Civil Rights Act of 1964, as amended, that the applicant give assurance that it will comply with Title VI and other pertinent USDOT and SCDOT requirements; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with these projects, and that procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts.

NOW, THEREFORE BE IT RESOLVED BY THE CENTRAL MIDLANDS COUNCIL OF GOVERNMENTS:

- 1) that the Executive Director of the Central Midlands Council of Governments is authorized to execute and file grant applications on behalf of the Central Midlands Council of Governments with the U.S. Department of Transportation and the South Carolina Department of Transportation to aid in the financing of projects.
- 2) that the Executive Director is authorized to execute and file with such applications any assurances or any other documents required by the U.S. Department of Transportation and the S.C. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
- 3) that the Executive Director is authorized to furnish such information as the U.S. Department of Transportation and/or the S.C. Department of Transportation may require in connection with the applications for the programs listed above.
- 4) that the Executive Director is authorized to set forth and execute affirmative minority business policies in connection with the program's procurement needs.
- 5) that the Executive Director is authorized to execute grant agreements on behalf of the Central Midlands Council of Governments with the U.S. Department of Transportation and the S.C. Department of Transportation for aid in the financing of transportation planning/special studies, capital, and operating/administrative assistance programs.

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THE UNDERSIGNED is the duly qualified Executive Director of Central Midlands Council of Governments, and hereby certify that the foregoing is a true and correct copy of a resolution adopted at a meeting of the Central Midlands Council of Governments held on March 24, 2005.

E. W. Cromartie, Chairman
Central Midlands Council of Governments

Norman Whitaker, Executive Director
Central Midlands Council of Governments

Witness

Witness



Memorandum

TO: Central Midlands Council of Governments Board of Directors

FROM: Reginald E. Simmons, Transportation Director

DATE: March 16, 2005

RE: Update of Exhibit 4-2 of the Transit Element

On February 24, 2005, Central Midlands Council of Governments Board of Directors approved the updated Transit Element for the COATS 2025 Long Range Transportation Plan (LRTP). Subsequent to that approval the Federal Transit Authority (FTA) along with the South Carolina Department of Transportation (SCDOT) requested a redesign of exhibit 4-2 to better described the estimated annual federal funding allocation for transit services in our area. Attached, please find Exhibit 4-2 of the Transit Element for the COATS 2025 LRTP for your review.

In coordination with Central Midlands Regional Transit Authority, the attached tables have been developed to address the concerns of FTA and SCDOT. Please take a moment to review this information, a presentation will be provided at the next Board meeting.

If you have any questions or need additional information, please don't hesitate to contact me at 803-744-5133 or respond by email at rsimmons@centralmidlands.org. Thank you in advance for your cooperation.

cc: Norman Whitaker

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A Proclamation of the Board of Directors of
Central Midlands Council of Governments
Honoring Lowell C. (Butch) Spires, Jr.
as the **First Recipient** of the
Central Midlands Regional Leadership Award

WHEREAS, Mr. Spires served for 20 years as a member of the Board of Directors of the Central Midlands Council of Governments (CMCOG), including two terms as Chairman; and

WHEREAS, Mr. Spires was instrumental in establishing the Central Midlands Regional Transit Authority, the River Alliance, the Columbia Convention Center, and the Central Midlands Wetlands Mitigation Bank; and

WHEREAS, Mr. Spires' accomplishments were not limited to his service with CMCOG but extended to his service as Council Member and Chair of Lexington County Council, President of the South Carolina Association of Counties, and responsible leadership roles in many other organizations; and

WHEREAS, Mr. Spires' rescue of a young child from a burning building, at great risk to himself, is but one illustration of this great man's exceptional character;

WHEREAS, Because of Mr. Spires tireless efforts, current and future residents of the Central Midlands will enjoy safer roads, a more robust economy, a healthier natural environment and improved community facilities such as greenways, libraries, recreational amenities, mass transit and the convention center; and

WHEREAS, Mr. Spires was loved and respected by the Board members and staff of the Central Midlands Council of Governments as the embodiment of the concept of regionalism within the Central Midlands region; and

WHEREAS, Mr. Spires continues to be a source of inspiration for all those involved in improving the quality of life for current and future citizens of Fairfield, Lexington, Newberry and Richland Counties;

THEREFORE, BE IT RESOLVED that Mr. Lowell C. (Butch) Spires, Jr., be declared the first recipient of the ***Central Midlands Regional Leadership Award***; and

BE IT FURTHER RESOLVED that the Board of Directors of the Central Midlands Council of Governments will be eternally grateful for all of the many and varied contributions of Mr. Spires to the Central Midlands region and its regional vision.

Resolved this 24th Day of March, 2005.

Signatures:

E. W. Cromartie, II, Chairman

Norman Whitaker, Executive Director



Date: March 16, 2005
To: CMCOG Board
From: Norman Whitaker, Executive Director
Subject: EPAC Recommendation on Kershaw County's request to withdraw from the CMCOG 208 Water Quality Management Plan

RECOMMENDATION: The Environmental Planning Advisory Committee, at their March 3, 2005 meeting, voted to recommend denial of the requests by Kershaw County and the City of Camden to withdraw from the CMCOG Section 208 Water Quality Management Plan.

Options available to the CMCOG Board include denying the request per EPAC's recommendation, taking no action on the request, approving the request, or approving the request with conditions. Any such conditions should include a stipulation that no action will be finalized until agreement among all parties is reached that allows Palmetto Utilities to meet all of its obligations, as outlined and permitted by SCDHEC.

BACKGROUND:

(Note: the attached staff report from Wayne Shuler, dated January 19, 2005, provides additional background information.)

The CMCOG Executive Committee met with a delegation from Kershaw County and Santee Lynches COG (SLCOG) on February 14 to discuss the requests by Kershaw County and Camden to withdraw from the CMCOG 208 Water Quality Management Planning program. DHEC has told us that this change would require coordinated adoption of 208 Plan amendments by CMCOG and SLCOG. The CMCOG Board referred the issue back to EPAC for a recommendation. (EPAC had failed to obtain a quorum when this issue was before them in the fall of 2004 and Kershaw County then requested an "up or down" vote by the CMCOG Board.) EPAC was presented with an amendment to the CMCOG 208 Plan, which would have the effect of removing Kershaw County, Camden and Bethune. They were also given the SLRCOG 208 Plan, which was amended in August 2004 and February 2005 to add Kershaw County.

Throughout the discussion of Kershaw County's request, the future of Richland County's contractually designated utility provider, Palmetto Utilities, has been a major concern. SLRCOG has recently added material to their plan showing the location of Palmetto Utilities' service area and referencing permits the South Carolina Department of Health and Environmental Conservation has approved for Palmetto in Kershaw County.

Prior to the EPAC meeting on March 3, members of the CMCOG Board had received a letter dated February 9 (attached) from the chairman of the Kershaw County Council, which included this statement:

“Kershaw County has been and will remain a good neighbor to our sister counties. In that light we are currently having engineering completed for a regional WWTP (waste water treatment plan) and will certainly provide an outlet for the growth in NE Richland and Fairfield Counties when their treatment and discharge options run out.”

Subsequently, Richland County Council sent a CMCOG a letter (also attached) including this statement:

“...It is the position of Richland County that Kershaw County should not be permitted to terminate the agreement with CMCOG under the conditions contemplated by Kershaw County. The letter from Kershaw County makes it abundantly clear that Kershaw County is bent upon effecting an amendment to the CMCOG 208 plan which would supplant Palmetto Utilities, Inc. as the regional wastewater treatment provider serving the future sewer needs of Northeastern Richland County.”

As indicated in the attached letter from Norman Whitaker to Robert Boland, County Administrator of Kershaw County and Jim Darby, Executive Director of Santee Lynches COG, and dated February 17, 2005, we have asked Kershaw County and SLCOG to clarify their intentions regarding Palmetto Utilities, and have also asked if their respective agencies would take action to recognize and ratify Palmetto Utilities’ plans for providing sewer service in northern Richland County. An article in the October 25, 2004 *Camden Chronicle* had heightened concerns about this issue by implying that Kershaw County might seek to prevent Palmetto from running an outfall line from their proposed new treatment plant to the Wateree River, as anticipated by the CMCOG 208 Plan and a permit issued by DHEC. As of March 16, we have received no answer, other than a proposal by Mr. Darby at the March 3 EPAC meeting that Kershaw and Richland Counties collaborate on providing wastewater treatment facilities.

CMCOG Board member Valerie Hutchinson, also a member of Richland County Council, addressed EPAC about this issue, and indicated that Richland County was not interested in replacing Palmetto Utilities with Kershaw County as their service provider or entering into a joint venture with Kershaw County.

The CMCOG 208 plan recognizes that there will be considerable future growth in Northeast Richland County, and that the two Palmetto Utilities facilities permitted in Kershaw County will be needed to meet the waste water treatment needs of this rapidly growing area. There is also a concern that transferring Palmetto Utilities’ plant sites in

Kershaw County to the SLCOG 208 Plan would facilitate an effort to block expansion of Palmetto's treatment capacity.

The resolution passed the by the CMCOG Board on June 17, 2004 (attached) outlines an orderly process for Kershaw County's transfer to the SLCOG 208 program. The resolution states in part that:

“WHEREAS, the Intergovernmental Agreement provides for its termination on the agreement of all parties and the Board of CMCOG believes that the Agreement should be terminated in a manner that allows for Kershaw County and the City of Camden to withdraw **in an orderly manner that does not adversely affect the residents or governments represented by CMCOG.**” (Bold text added for emphasis).

With the unanswered concerns regarding the issue of Palmetto Utilities future role, staff's opinion is that the proposed 208 Plan amendments would not comply with the intent of the June 17 CMCOG resolution as presented above. Staff showed EPAC maps depicting recent building permit activity and projected population growth in the NE Richland area. This data shows that the primary demand for a wastewater treatment plant serving NE Richland, Fairfield and Kershaw County. CMCOG's population projections forecast a net increase of nearly 21,000 people between the years 2000 and 2025 in the NE Richland County census tracts served by Palmetto.

In the staff report to the CMCOG Board on this issue dated January 19, 2005, (see pg. 2 of attached memo from Wayne Shuler), the staff recommended that “no action on the transfer to Kershaw County to the SLRCOG 208 Water Quality Management Plan should be taken until agreement among all parties is reached that allows Palmetto Utilities to met all of its obligations, as outlined and permitted by SCDHEC”.

Attachments:

- Text amendment to CMCOG 208 Plan that would, if approved by EPA, remove Kershaw County from the 208 Plan
- Letter dated March 2, 2005 from Richland County Council to CMCOG Board members
- Letter dated Feb. 9 2005 from Mr. Steve Kelly to CMCOG Board Member Marshall Hoeffler
- Letter from Norman Whitaker, CMCOG, to Robert Boland, Kershaw County and Jim Darby, SLCOG, requesting clarification of their position on existing permits held by Palmetto Utilities
- CMCOG staff report dated January 19, 2005
- Resolution by CMCOG Board dated June 17, 2004 outlining a process for considering Kershaw County's withdrawal request

- *Camden Chronicle* article from October 25, 2004
- Petition from Kershaw County citizens supporting Kershaw County's position, submitted at public meeting on March 15 by Ms. Sara Williams.
- Letter Dated March 16 from Lugoff-Elgin Water Authority
- Draft minutes of Public Input Meeting held March 15 at Central Midlands
- Any other written public comments from the March 15 public input meeting will be provided to the Board as they are received. The deadline for written comments is Monday, March 21.

Amendment to Central Midlands Council of Governments 208 Water Quality Management Plan

Add to CMCOG's 208 Plan as Appendix "D", Amendments:

Amendment

The Central Midlands Council of Governments *208 Water Quality Management Plan* is hereby amended to remove Kershaw County, the City of Camden and the town of Bethune from the plan. These jurisdictions will become part of the Santee-Lynches Regional Council of Governments (SLRCOG) Water Quality Management Planning area, and shall no longer be subject to the policies and procedures of the CMCOG *208 Plan*. In a subsequent comprehensive amendment to the Central Midlands 208 Plan, all text, maps and tables shall be revised to remove references to the Kershaw County jurisdictions. This Amendment takes effect when it, and related amendments to the SLRCOG *208 Plan*, are approved by the U.S. Environmental Protection Agency.

Background

On April 11 2000, the Central Midlands Council of Governments (CMCOG) entered into a an Intergovernmental Agreement with Kershaw County and the City of Camden for the purpose of water quality planning under Section 208 of the Clean Water Act. At that time, the Santee-Lynches Regional Council of Governments (SLRCOG) did not provide water quality planning services. Kershaw County, Camden and Bethune are members of SLRCOG.

In April 2003, the SLRCOG Board approved a water quality management plan for their region. As a result, Kershaw County and the City of Camden decided to terminate the Intergovernmental Agreement, withdraw from the CMCOG Section 208 water quality planning process and begin participating in the SLRCOG Section 208 water quality planning process.

Richland County Council



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District Ten

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District Five

March 2, 2005

Members of the Board of
Central Midlands Council of Governments
236 Stratbridge Drive
Columbia, SC 29210

RE: Request of Kershaw County to Terminate its
Intergovernmental Agreement with CMCOG

Dear Board Member:

I understand that you may be in receipt of a letter dated February 9, 2005, attached, from the Chairman of the Kershaw County Council concerning the above-referenced matter. On behalf of Richland County, I would like to respond to this letter so that you will have a complete picture of the issue pending before you as a member of the Board of the Central Midlands Council of Governments (CMCOG).

Preliminarily, Richland County would note that it is unaware of any "unrelated agendas" being acted out before CMCOG with respect to this matter as asserted in the letter from Kershaw County. Further, there are many statements contained in the letter from Kershaw County that reasonable observers, including Richland County, might properly take issue with in the context of the free and open debate forum which CMCOG provides to all of its members.

Having said that, it is the position of Richland County that Kershaw County should not be permitted to terminate its agreement with CMCOG under the conditions contemplated by Kershaw County. The letter from Kershaw County to you makes abundantly clear that Kershaw County is bent upon effecting an amendment to the CMCOG 2004 plan which would supplant Palmetto Utilities, Inc. as the regional wastewater treatment provider serving the future sewer needs of northeastern Richland County.

Page Two

Richland County agrees that the determination of "sewer service territory" is not a function of CMCOG; however, that is simply not an issue before the CMCOG Board. But the determination of what entity will serve as the regional wastewater treatment provider in the portion of the Wateree River Drainage Basin which lies in Richland County is quite clearly a function of the CMCOG. Richland County views Kershaw County's offer to "provide an outlet for growth in NE Richland and Fairfield Counties when their treatment and discharge options run out" as a harbinger of an effort by Kershaw County to prevent Palmetto Utilities from exercising its rights under the NPDES and ND permits issued by DHBC that are specifically recognized under the CMCOG 208 Plan. In other words, Kershaw County wants to dictate how future wastewater generated in Richland (and Fairfield) County will be handled. Whatever authority may be vested in Kershaw County otherwise, it simply does not have any authority to make such a determination for CMCOG and its member entities.

Richland County is a designated management agent under the CMCOG 208 Plan. As Richland County's designated agent for purposes of implementing the CMCOG 208 plan for the portion of northeast Richland County that drains into the Wateree River Drainage Basin, Palmetto Utilities is specifically authorized to construct and operate a regional wastewater treatment facility in accordance with the terms and conditions of that Plan. Palmetto Utilities stands ready, willing and able to discharge its responsibilities to Richland County and the CMCOG in that regard. Richland County therefore opposes the request of Kershaw County to terminate its Intergovernmental Agreement with CMCOG unless and until Kershaw County and the Santee-Lynchess Council of Governments agree to recognize the right of our agent to construct and operate facilities to treat wastewater generated in Richland County in accordance with the CMCOG Plan.

I thank you for your consideration of this very important issue that has ramifications for all members of CMCOG and request that you join Richland County in its opposition to the efforts of Kershaw County in this regard.

Sincerely,



Anthony G. Mizell, Chairman

Cc: Richland County Council
EPAC

Kershaw County



515 WALNUT STREET
CAMDEN, SOUTH CAROLINA 29020

Tel. (803) 425-1500
FAX (803) 425-1546

February 9, 2005

Marshall Hooper
3908 Rosewood Dr.
Columbia, SC 29205

RE: Kershaw County Moving 208 Water Quality Planning
To its Designated COG - Santee Lynches

Dear Mr. Hooper:

We attended the Central Midlands COG Board Meeting on January the 27th to ask for the Board's blessing on Kershaw County moving its 208 Water Quality Planning to the Santee Lynches Council of Governments. I was somewhat surprised when I learned from two board members before the meeting that they had not been informed of the preparations for the change, nor did they know that Central Midlands and Santee Lynches COG staff had worked out the amendment to Santee Lynches' 208 Plan to ensure no problems would be associated with the transition. Also, the board evidently had not received information that Santee Lynches COG had already held public hearings and voted to include Kershaw County in their plan.

Unfortunately many unrelated agendas, rather than the pertinent issues, have dominated the information flow. One unrelated issue is service territory assignment within Kershaw County. This matter is determined solely by Kershaw County Council and not by a Council of Governments. Service territory is a separate issue regulated by county ordinance and is not controlled by either COG jurisdiction.

What is relevant is that we asked to be included in the Central Midlands 208 Plan because our COG (Santee Lynches) did not provide the service at that time. This was a simple contract for service agreement. Our intent from the beginning was to move the function back to our Council of Governments if and when they engaged in 208 planning. I wrote the attached letter to Santee Lynches Director Jim Darty in August of 2001 stating our intent.

Kershaw County Moving 208 Water Quality Planning
Page 2
February 9, 2005

Kershaw County considered the request to move the planning service to be a simple contractual matter and there were no hidden agendas. We simply would like to have all possible services provided by our council of governments. Kershaw County has been and will remain a good neighbor to our sister counties. In that light we are currently having engineering completed for a regional WWTP and will certainly provide an outlet for the growth in NE Richland and Fairfield Counties when their treatment and discharge options run out.

The attached timeline and supporting documents summarize what has transpired to date.

We sincerely appreciate your support of our request to move 208 Planning to our statutorily designated Council of Governments.

Sincerely,


Steve S. Kelly, Jr.
Chairman Kershaw County Council



February 17, 2005

Robert Boland
Kershaw County Administrator
515 Walnut Street
Camden, SC 29020

James Darby
Santee-Lynches Regional Council of Governments
P. O. Box 1837
Sumter, SC 29150

Re: Central Midlands Council of Governments 208 Plan
Kershaw County Withdrawal

Dear Bobby and Jim:

As you know, the Chairman of CMCOG, E. W. Cromartie, has requested that the EPAC at its next meeting consider and take action on the request of Kershaw County to withdraw from the CMCOG 208 Plan. We are having a called EPAC meeting on Thursday, March 3 at 11:00 AM here at Central Midlands. In preparation for that meeting I am writing you in an attempt to clarify the issue which appears to be causing the most concern about the proposed change.

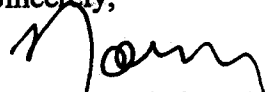
The withdrawal of Kershaw County and Camden will require an amendment of the CMCOG 208 Plan. That plan currently provides that a major part of northern Richland County will receive sewer service from Palmetto Utilities pursuant to a contract it has with Richland County. Palmetto plans to provide that service with a treatment plant that it currently operates which is located in Kershaw County. That plant discharges effluent pursuant to Permit No. ND0068411 which is a land application permit for 4.5 MGD. The permit is shown on Sheet A-15 of the CMCOG 208 Plan as amended in 2004. Palmetto also has Permit No. SC0043451 which allows Palmetto to discharge 6.00 MGD into the Wateree River. That permit is shown on Sheet A-14 of the Plan. The Wateree discharge line contemplated by this permit has not yet been constructed by Palmetto. The CMCOG 208 Plan recognizes that the area of northern Richland County served by Palmetto is a high growth area which will require expansion of the Palmetto plant and utilization of the Wateree River discharge permit.

One question that we think must be addressed by EPAC in considering the proposed amendment to the 208 Plan is the effect of the proposed change on these plans for providing sewer service to northern Richland County. News reports have been published which include statements by Kershaw County officials indicating that there may be opposition on the part of Kershaw County to the utilization by Palmetto Utilities of the Wateree discharge permit to serve areas in Richland County. What can you tell us about the intentions of Kershaw County and the Santee-Lynches Regional Council of Governments with respect to this issue? Will Kershaw

County and SLRCOG take action to recognize and ratify these plans for providing sewer service to these areas of northern Richland County?

The plan of Palmetto Utilities to provide service to this area is clearly an important issue for the CMCOG 208 Plan. We believe that the Section 208 process was designed by Congress to provide a way to address just this type of issue and that all local governments have an obligation to work together towards a rational and consistent long range plan to provide sewer service. The original resolution by the CMCOG in response to Kershaw County's request to withdraw endorsed that move provided that it could be done "in an orderly manner that does not adversely affect the residents or governments represented by CMCOG." Please respond to this letter by February 28 so that the CMCOG staff can be in a position to advise EPAC on that question.

Sincerely,



Norman Whitaker, AICP
Executive Director

Cc: E.W. Cromartie, II
Frank Ellerbe



January 19, 2005

To: Central Midlands COG Board of Directors
From: Wayne Shuler, Chief Planner
Subject: Kershaw County Request to Withdraw from 208 Water Quality Management Plan

Recommendation

Do not approve the transfer of Kershaw County from the Central Midlands Council of Governments 208 Water Quality Management plan to the Santee-Lynches Regional Council of Governments 208 Water Quality Management Plan.

Do not approve the termination of CMCOG's Intergovernmental Agreement with Kershaw County and the City of Camden

Reason for the Recommendation

The resolution approved by the CMCOG Board on June 17, 2004 stipulates that the CMCOG Environmental Planning Advisory Committee review and recommend the SLRCOG 208 WQMP amendment to include Kershaw County and the City of Camden. Staff identified 4 issues for EPAC to consider when reviewing the SLRCOG amendment:

1. What will be the status of Palmetto Utilities under the Santee-Lynches plan? In the plan adopted earlier this year by CMCOG, Palmetto's service areas in Richland and Kershaw Counties are shown on a map depicting public management areas and the service areas of private utilities subject to rate regulation by the South Carolina Public Service Commission.
2. How will areas of Fairfield and Richland Counties that share the Wateree River basin with Kershaw County be protected from water quality problems that may result from discharges in Kershaw County?
3. How will CMCOG's member governments be protected from the possibility of permit approvals in Kershaw County that might have the effect restricting the expansion of services in CMCOG counties?
4. Will CMCOG be liable for any alleged harm to any parties affected by the change in plans?

EPAC did not have a quorum at its last meeting on October 20, 2004, so a vote on a recommendation was not taken. Kershaw County has requested that the Board act on the request without a recommendation from EPAC. It is the staff's opinion that the above

issues have not been addressed with enough satisfaction to recommend approval of the request:

- The issue of Palmetto Utilities status in the SLRCOG's 208 WQMP was the most debated topic in the EPAC meetings. While EPAC understands that the status Palmetto Utilities has in Richland County as the designated provider in a defined portion of Richland County is unique, the focus of the discussion by EPAC was the unwillingness of Kershaw County to recognize Palmetto Utilities current status in Kershaw County. According to SCDHEC, Palmetto Utilities has an actual flow of 2 million gallons per day. It has a land application permit for 4.5 million gallons per day, and is obligated to serve 4.9 million gallons per day. The difference in what is permitted and what is obligated is to be "made-up" with the 6 million gallon per day discharge permit into the Wateree River. This is in accordance with an agreement with SCDHEC. This arrangement is not addressed in the SLRCOG 208 WQMP amendment, and according to an article in the October 25, 2004 edition of the Camden Chronicle, Kershaw County does not intend to allow Palmetto Utilities to run an outfall line to the Wateree River. No action on the transfer of Kershaw County to the SLRCOG 208 Water Quality Management Plan should be taken until an agreement among all parties is reached that allows Palmetto Utilities to meet all of its obligations, as outlined and permitted by SCDHEC,
- Items 2 and 3 above are related in that they raise the issue of NPDES permit review and approval in a bifurcated Wateree River watershed. If the watershed is split, sewer providers in the CMCOG would have no standing beyond publicly commenting on permit requests in the SLRCOG area. This would have a significant impact on waste-load reallocation that determines treatment levels. While SLRCOG proposes a "compact" to establish a decision-making process in the Water River watershed, their proposal recognizes that it would be "...for public discussion and advisory decision making." Keeping this part of the Wateree River Water Shed under one 208 Water Quality Management Plan will keep the decision-making process simple under one decision-making body and maintains one point-of-contact for service providers.
- Item 4 above is addressed in a letter from the Kershaw County attorney Ken DeBose to Frank Ellerbee. In the letter, Mr. DeBose states that it is his belief that SLRCOG "...is prohibited from entering into an indemnification agreement..."

Background

At the Board meeting on June 17, 2004 a resolution was passed that outlined the process for the transfer of Kershaw County and City of Camden to withdraw from the CMCOG 206 Water Quality Management Plan so that they could participate in the SLRCOG 208 Water Quality Management Plan. The 5 steps outlined in the resolution are:

1. The Environmental Planning Advisory Committee (EPAC) of CMCOG will review the propose Section 208 Plan of Santee-Lynches Regional COG which would include Kershaw County and the City of Camden.
2. EPAC will draft revisions to the CMCOG Section 208 Plan by which Kershaw County and the City of Camden will withdraw from such plan.
3. After its review of the proposed Santee-Lynches Section 208 Plan and its preparation of the amended CMCOG Section 208 Plan, EPAC will make a

recommendation to the Board that termination of the Intergovernmental Agreement should be accomplished by the coordinated amendment of the two Section 208 Plans.

4. Upon the recommendation of EPAC as described above, this Board will approve the submission of a revision to the Section 208 Plan which will be submitted in conjunction with the revised Santee-Lynches Section 208 Plan. Upon approval by the EPA of the two plan revisions, the Chairman of CMCOG is authorized to terminate the Intergovernmental Agreement.
5. Santee-Lynches Regional COG will be required to indemnify CMCOG from any claim arising out of the act of transferring Kershaw County and the City of Camden from on Section 208 Plan to another



RESOLUTION

WHEREAS, the Central Midlands Council of Governments (CMCOG) on April 11, 2000, entered into an Intergovernmental Agreement with Kershaw County and the City of Camden; and

WHEREAS, the Intergovernmental Agreement provided that Kershaw County and the City of Camden would affiliate with CMCOG for the purposes of water quality planning; and

WHEREAS, pursuant to the Intergovernmental Agreement, Kershaw County and the City of Camden have participated in the water quality planning process of CMCOG, specifically including planning under Section 208 of the Clean Water Act; and

WHEREAS, Kershaw County is a part of the Santee-Lynches Regional Council of Governments for other purposes and that Council is now implementing a Section 208 water quality planning process; and

WHEREAS, Kershaw County and the City of Camden have determined that it would be appropriate to terminate the Intergovernmental Agreement, to withdraw from participation in the CMCOG Section 208 planning process and to begin participation in the Section 208 planning process of the Santee-Lynches Regional Council of Governments; and

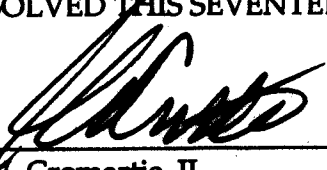
WHEREAS, the Intergovernmental Agreement provides for its termination on the agreement of all parties, and the Board of CMCOG believes that the Agreement should be terminated in a manner that allows for Kershaw County and the City of Camden to withdraw in an orderly manner that does not adversely affect the residents or governments represented by CMCOG.

NOW THEREFORE BE IT RESOLVED THAT, CMCOG agrees to the termination of the Intergovernmental Agreement in the following manner:

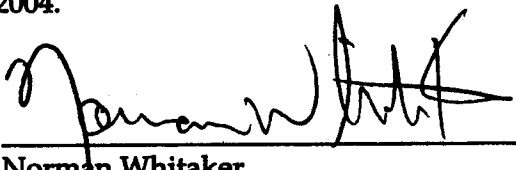
1. The Environmental Planning Advisory Committee (EPAC) of CMCOG will review the proposed Section 208 Plan of Santee-Lynches Regional COG which would include Kershaw County and the City of Camden.
2. EPAC will draft a revision to the CMCOG Section 208 Plan by which Kershaw County and the City of Camden will withdraw from such plan.

3. After its review of the proposed Santee-Lynches Section 208 Plan and its preparation of the amended CMCOG Section 208 Plan, EPAC will make a recommendation to this Board that termination of the Intergovernmental Agreement should be accomplished by the coordinated amendment of the two Section 208 Plans.
4. Upon the recommendation of EPAC as described above, this Board will approve the submission of a revision to its Section 208 Plan which will be submitted in conjunction with the revised Santee-Lynches Section 208 Plan. Upon approval by the EPA of the two plan revisions, the Chairman of CMCOG is authorized to terminate the Intergovernmental Agreement.
5. Santee-Lynches Regional COG will be required to indemnify CMCOG from any claim arising out of the act of transferring Kershaw County and the City of Camden from one Section 208 Plan to another.

RESOLVED THIS SEVENTEENTH DAY OF JUNE 2004.



E. W. Cromartie, II
Chairman



Norman Whitaker
Secretary

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Tuesday 26 October, 2004

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Utility company's sewer claim could impede growth, county official says

By MARTIN CAHN, C-I staff reporter

October 25, 2004

[Email to a friend](#) [Voice your opinion](#)**Kershaw County's future is being held hostage by Richland County-based Palmetto Utilities Inc., says County Administrator Bobby Boland.**

The issues revolve around the county's participation in what is known as a 208 Water Plan, named for a section in the 1972 Clean Water Act which requires states to regulate non-point sources of water pollution and develop area-wide water treatment management plans. States are allowed to have either their environmental agencies, such as the S.C. Department of Health and Environmental Control (DHEC) or its regional Council of Governments (COG) handle the development of such plans. In most cases in South Carolina, COGs have that responsibility.

Kershaw County is part of the Santee-Lynches COG, partnering with Clarendon, Lee and Sumter counties. However, when 208 Water Plans were being developed about five years ago, said Boland, the Santee-Lynches COG was not yet involved in the planning process. He said the county, under former administrator Gordon Hartwig, decided to contract with the Central Midlands COG, consisting of Fairfield, Lexington, Newberry and Richland counties. He described the relationship as a good one.

Now, however, the situation has changed, said Boland. Santee-Lynches is working on a 208 Water Plan and the county has asked to move its planning to the Santee-Lynches COG. Boland said Santee-Lynches officials agreed; so did Central Midlands officials but they wanted their Environmental Planning Advisory Committee (EPAC) to work out the details.

"This is where the whole process bogged down because of Palmetto Utilities," said Boland.

Boland claims that Palmetto Utilities Manager Stan Jones, who is a sitting EPAC member, has maneuvered the committee into blocking Kershaw County's efforts to move 208 Water Planning back to Santee-Lynches because of a completely separate but no less volatile issue: Who will have the right to provide – and benefit financially from – wastewater treatment and sewer services in a large portion of the West Wateree area of Kershaw County.

Jones, in an interview Saturday, denied he has any problem with Kershaw County returning its 208 Planning to Santee-Lynches – as long as it causes no harm to him or anyone else with wastewater or sewage interests in the Wateree River basin.

"We have no objections except that the Santee-Lynches COG's 208 Water Plan doesn't recognize us as a wastewater management entity even though we're the second largest sewage provider in the county," said Jones. "If Santee-Lynches would just roll in the Kershaw County portions of the Central Midlands plan, we wouldn't have a problem."

He also said he believes Boland and the county are basing a lot of their arguments on the idea that the affected areas are aligned on political jurisdictions – Kershaw and Richland counties, for example – instead of river basins, such as those that feed into the Wateree River. He said 208 Water Plans are based strictly on the river basins, not political boundaries. The Wateree basin, which includes portions of Richland and Kershaw counties, Jones said, is separate from Richland County's other river basin, the Congaree.

Despite that, Jones said he has told Boland that Palmetto Utilities will support the county's move back to Santee-Lynches and help in any way possible, if the utility can be assured of its role.

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“We want to work with them. We have the facilities that would enhance what they want to do, but whenever we ask what their plan is, they say they can’t discuss that. How can the committee investigate the impact of their moving if Kershaw County won’t tell them?” Jones asked.

He said he’s afraid Kershaw County’s actions will cause 14 to 15 years’ worth of planning and millions of dollars to go up in smoke.

Palmetto’s place

In May, the Lugoff-Elgin Water Authority (L-EWA) opposed parts of a \$1 million grant application by the county to expand its wastewater treatment plant. L-EWA’s concern was that the plan’s second phase to provide sewer service to surrounding areas such as Elgin would duplicate services already available from Palmetto Utilities. According to Boland, in the 14 years Palmetto has had a presence in Kershaw County, it has only served one subdivision. He said the S.C. Public Service Commission granted Palmetto a small service area surrounding those homes, but even in that area the utility cannot provide service unless authorized by county council.

“Over 12 years ago, the county permitted them to construct a small sewage treatment plant on the north side of I-20 just inside the Kershaw County line from Richland County,” said Boland. “Wastewater from that plant is pumped across the interstate to sand pits right under the big television antennas there.”

At the time it received permission to enter the county, Boland said, Palmetto said it planned to provide service to Elgin.

“They never did. Their system grew, and it now serves about 9,000 customers in Richland County but only a couple of hundred here in Kershaw County. Each day millions of gallons of sewage from Richland County are treated and pumped into those sand pits,” he said.

Jones said Palmetto Utilities serves between 300 and 400 equivalencies (customers) in Kershaw County and has spent more than \$9 million on infrastructure to serve current and future customers.

Boland also provided a copy of an Aug. 15, 2001, internal DHEC memorandum from Groundwater Quality Section agent Chris Forrest to Jeff deBessonnet, director of DHEC’s Water Facilities Permitting Division, showing Palmetto Utilities’ Kershaw County treatment plant had been in violation of permitted nitrate contamination levels.

Forrest wrote that, according to groundwater data gathered between March 1999 and August 2001, Palmetto’s nitrate contaminant levels ranged between 11 and 15 micrograms per liter (mg/l) but had spiked up to above 20 mg/l on occasions. DHEC’s maximum nitrate level is set at 10 mg/l. Forrest also wrote that while the two sampling events immediately prior to the memo showed no nitrate violations, he noted Palmetto had not been sampling all the wells it was required to by its permit.

deBessonnet said Saturday that while he had no access to Palmetto’s groundwater data over the weekend, he did know the utility had made upgrades to its Kershaw County plant.

“I know they were doing things to fix the nitrate problem, but I don’t know if the data has showed improvement right this minute,” said deBessonnet.

Jones said nitrate issues have been addressed and that there are currently no violations at the Kershaw County plant. He also said that the wells Forrest said his company didn’t test in 2001 may have been ones where no groundwater was present at the time.

Boland said Palmetto Utilities now wants to expand its sewage capacity to 10 million gallons per day (Mg/d) and pump much of the treated sewage seven miles away to the Wateree River.

Jones confirmed that is what Palmetto wants to do but denied there is anything wrong with that.

“Our flow is at 2 Mg/d, leaving us with 4.75 of a 6.75 Mg/d capacity,” said Jones. “We want to add another 3 million or so to that to bring it up to 10 million. We have an obligation to provide sewer service to customers in our service area in the Wateree River basin.”

Boland said Palmetto Utilities has demanded Kershaw County grant the company an exclusive franchise to operate in Kershaw County with the power of eminent domain. He said Palmetto appears to have been granted those rights by Richland County but in Richland County only.

"They would be able to condemn people's property here in order to do what they want, and the owners wouldn't have any say in the matter," said Boland. "We're not going to let them do that."

The issue is particularly sensitive because Kershaw County is already working on expanding the county sewer system to serve larger areas in order to promote economic development, said Boland. The county's wastewater treatment plant is currently rated at .72 Mg/d. The expansion, which will be funded in part by the \$1 million grant awarded in September, would raise capacity to 1.25 Mg/d.

The county also broke ground on its Elgin sewer expansion project in September, part of an overall master plan to facilitate industrial development along the I-20 corridor. Jones questioned why the county is willing to spend so much money on infrastructure at the White Pond Road/I-20 interchange when he has facilities and infrastructure already in place.

"To serve that office park, they are going to have to pipe sewage 16 to 17 miles away to their treatment plant. I've got a gravity line a few thousand feet away," said Jones.

Palmetto Utilities' treatment plant is located less than two miles away.

Deaf ears?

Boland suggested Jones believes the county's expansion projects are designed to deprive Palmetto Utilities' right to provide service in the West Wateree area. Boland said Palmetto has never had that right beyond where it is already permitted to serve.

"How can they lose something they've never had?" asked Boland.

He also claims Jones has manipulated the EPAC against Kershaw County through attorneys connected to Jones and Palmetto.

"These lawyers have been allowed to take over the meetings," said Boland. "They are not sitting members of the committee, they have no political standing with the committee, and yet they have run roughshod over the chairman and even made motions for EPAC to consider."

Boland said EPAC has been rendered ineffective to the point where there was no quorum at the committee's last two meetings.

"At the last meeting Wednesday, I asked them to simply conduct a conference call in order to get a quorum. The request fell on deaf ears," he said.

Boland said he is frustrated with the situation because the issues Jones, Palmetto and their lawyers keep raising and the attacks they have made have nothing to do with the 208 Water Plan and moving it back to the Santee-Lynches COG.

Jones denied not only that his lawyers behave any differently than County Attorney Ken DuBose does on Kershaw County's behalf in those meetings but that neither he, the utility nor their lawyers have ever made demands regarding an exclusive franchise with eminent domain.

"We suggested a way to work this out, but we never made a demand," he said. "We're a private company, they're a county government. We're in no position to make demands or threats."

Jones confirmed Palmetto has been granted eminent domain in Richland County, but he was not sure if it had such rights in Kershaw County. It was a matter left to legal interpretation, he said.

Boland said he is also frustrated with claims Jones has made about what Palmetto Utilities can do in Kershaw and Richland counties.

"He claims to serve 25,000 customers in Richland County. We know it's more like 9,000 customers. Maybe he's multiplying by an average of three people in each location," said Boland.

For the record, when Jones was asked Saturday how many customers Palmetto currently serves, he gave the figure as 9,000 equivalencies.

Based on the amount of additional capacity Jones claims Palmetto has available, the utility could serve an additional 11,875 homes based on an average of 400 gallons of sewage per day per equivalent household. Jones said there is still plenty of room both in Richland and Kershaw counties for that many customers to develop during the next few years.

He said Palmetto's customer base is growing at about 2,000 equivalencies a year.

In the meantime, Boland insists Jones and Palmetto are the ones trying to block the county's capacity to expand and issue permits.

"If Jones tries to bully Palmetto's way further into Kershaw County, county council, the city of Camden, the town of Bethune, our industrial partners ... we will all deal with it in the best interests of the people of Kershaw County," said Boland.

Boland also said that he does not blame Richland County Council nor the Central Midlands COG.

"I don't think they have any idea what's really going on," he said.

Speculation?

Boland also criticized Palmetto Utilities' holding of a 2002 DHEC National Pollution Discharge Elimination System (NPDES) permit to discharge treated wastewater from its plant near the Richland County border into the Wateree River about seven miles away.

According to a copy of the permit Boland provided, it expires Sept. 30, 2005.

But he emphasized Palmetto does not currently have and never has had the ability to discharge into the Wateree River.

"That NPDES permit would allow him to discharge 6 Mg/d in the river, but he can't get to it," said Boland. "That means he was granted the permit in speculation. They were speculating that they might have the capacity to do that one day."

And that, he said, does relate back to the 208 Water Plan.

"The 208 Water Plan regulations forbid speculation," Boland said.

deBessonnet, calling concerns with physical infrastructure and a franchise being permitted to provide service in an area separate issues, said determining if the NPDES permit was given in speculation would be a matter of legal opinion. He did say, however, that in order for any franchise to obtain a construction permit from DHEC for a new pipeline or treatment facility, it must obtain a NPDES permit first.

"I can tell you that granting that permit was consistent with the 208 Water Plan at the time," he said, explaining that DHEC's action in 2002 was actually the reissuance of a much earlier permit. "It was designed for future growth purposes."

Jones denied the permit was granted on speculation.

"It's not speculation when you have a 208 Water Plan with growth projections that say the need will be there. It's speculation when you build an office park and no one knows if anybody's coming," said Jones, referring to the county's work at the Elgin I-20 interchange.

He also said Palmetto Utilities obligated a \$1 million letter of credit to build the sewer line to the Wateree River.

"The permitting -- the permits DHEC will issue to developers on both sides of the county line -- is against that discharge. The residents of Richland County in the Wateree basin have every right to that discharge," Jones said.

Using a map he said was provided by Jones, Boland said Palmetto Utilities has proposed building a second water treatment plant on the banks of the Wateree River in Lugoff across from Camden. Jones confirmed Palmetto has purchased land in the area and proposed building the plant some time ago. Boland said he is afraid that if Palmetto is allowed to do that or receives permission to build a seven-mile pipe to the river from its existing facility, the other water treatment and sewer providers in the county and its industrial partners will be severely affected.

“It could force all of us to treat our water at an even higher standard than we already do,” said Boland, explaining that regulations require a certain level of treatment based on the amount of discharge permitted into the county’s waterways. “That could block our ability to issue permits to allow new industry to come in to the county.”

deBessonnet said 208 Water Plans do govern who handles wastewater treatment.

“It doesn’t really matter to us where the 208 Planning is done. What is of concern, and possibly a source of confusion in this case, is whether or not Kershaw County moving its planning back to Santee-Lynches changes Palmetto Utilities’ or anyone else’s status,” said deBessonnet.

He also said that if Palmetto were to approach DHEC today for a construction permit for a pipeline from its facility to the Wateree River, the agency would most likely grant it, although he admitted he did not know what, if any, additional local permissions the utility would need to obtain.

Taking action

In 2000, Kershaw County enacted the latest version of its ordinance governing the granting of franchises to own and operate sewer facilities in the county’s unincorporated areas. County council is the only body which can grant such franchises. The ordinance says that no one located in or out of the county can use the county’s public streets, roads, rights-of-way in any unincorporated area of Kershaw County to operate a sewer system without having been granted a franchise by ordinance of the county.

If Palmetto Utilities wants to serve more customers in Kershaw County, council would have to grant it permission to do so. Even if other agencies granted the company easements or other types of permits, said Boland, council would still have the last word on whether or not Palmetto could serve those areas.

In a copy of an Aug. 30, 2004, letter from DuBose to Santee-Lynches COG Executive Director James T. Darby Jr., the county definitively states that Palmetto Utilities does not have any exclusive rights to serve any particular areas of Kershaw County except, as already permitted in June 2000, in the Woodtrace subdivision off Stephen Campbell Road in the Elgin area.

The letter quotes the 2000 sewer franchise ordinance, stating that all areas of the county not served by an already existing bona fide sewer system were designated through the ordinance as being within the county’s own sewer service system area.

Standing on that legal foundation, Boland said Kershaw County is prepared to fight off any attempts Jones, his lawyers and Palmetto Utilities make to block their 208 Water Plan’s return to the Santee-Lynches COG.

“Kershaw County is sending a letter to the Central Midlands COG attorney requesting the full board approve the county’s request at its next meeting,” said Boland. “If not, Kershaw County, the city of Camden and the town of Bethune will unilaterally withdraw from Central Midlands Planning and join their own COG as designated by state law.”

He also said the county will fight any attempts by Palmetto Utilities to further encroach into Kershaw County, whether it be by expanding capacity at its current plant or working its way to the Wateree River.

“Council will not allow Kershaw County to become a major dumping ground for out-of-county sewage,” Boland declared.

In response, Jones repeated his point that 208 Water Plans are based on river basins, not county lines. He also said that Palmetto Utilities is still willing to work with the county and the Santee-Lynches COG, if things are done right. He even said the utility would be willing to sign a new franchise agreement with Kershaw County.

Boland said the issue will be discussed at Tuesday's county council meeting. The meeting will begin at 5:30 p.m. at the Kershaw County Government Center at the corner of Broad and Walnut streets.

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I am here to present a petition in support of Kershaw County and the City of Camden moving their 208 Water Quality Planning to the Santee Lynches Council of Governments. Santee Lynches Council of Governments is the statutorily designated COG for Kershaw County.

Santee Lynches COG is where the Citizens of Kershaw County go to be heard by their elected state, county and local representatives on issues related to the Santee Lynches region. Most citizens of Kershaw County have no elected representation on the Central Midlands Council of Governments Board and this is a matter of disenfranchisement. There may be serious civil rights issues if 208 planning is not moved to the Santee Lynches COG.

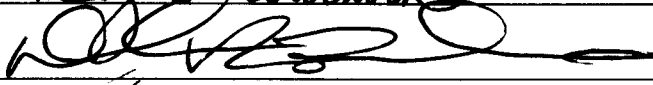
Accessibility to government at all levels is difficult enough without having functions scattered across jurisdictions. It makes no sense to have an important issue such as 208 Water Quality Planning handled at another Council of Governments, and it makes it impossible for citizens to participate in a forum with their elected officials. It is not good government to disenfranchise a county, and we implore the Central Midlands Council of Governments to support by vote the move of Kershaw County's 208 Water Quality planning to their statutorily designated Council of Governments - Santee Lynches.

Carla Williams	Dana Reeder
Kara M. Jones	Bonita Malone
Sybil Hawn	Pat Godwin
Christy Denton	Lay Godwin
Lynn Whalges	Ethel M. Griffin
Jo E Baker	Juanita E Griffin
Brenda N. Innesdale	Robert Bair
Carl R. Townsend	Pat Bair
Ma J. Belton	Harrell Sallad
Brenda F. Barker	Dora McLeod
Julian Riggins	James R. Robert
Jenette Brewer	Lisa H. Owens
Jeraline D. Stokes	Lady Peay
	Kathy L. Best

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Clifton W Anderson Jr	Michael Taylor
Mary C Warnock	Lee McCaskell
	Wini Blake
Thomas M. Moore	Her Pull
Carol W Rankin	Stacy Evans
Diane Byrd	James D. Arceum
Donise Knipfer	Barbara J. James
Jimmie M. Hymon	
E. Lynn Wynn	
Phil Zouchel	
Dave Beard	
Katherine L Blackburn	
Loane B. Crain	
Blanche Parrell	

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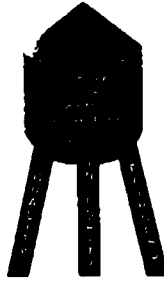
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Richard F. Stewart	Mike A. Blumberg
Ellen Gordon-Creed	Carole J. Mullis
T. C. Massie	
S. C. Roper	
Cynthia Morgan	
Sudi Bass	
Jay Massie	
Mark L. Rodgers Jr	
[Signature]	
[Signature]	
Linda Graham	
John C. W. [Signature]	
[Signature]	
Meta Beard	



Tel. 803-438-2991
Fax: 803-438-5866

88 Boulware Rd. • P.O. Box 125
Lugoff, South Carolina 29078



Filter Plant
After Office Hours
& On Weekends
438-2247

Office Hours
8:30 - 5:00
Monday - Friday

Mr. Joe Ryan
Central Midlands Council of Governments
236 Stoneridge Drive
Columbia, S. C. 29210

March 16, 2005

Re: Kershaw County's Request to Transfer 208 Planning From
Central Midlands C.O.G. to Santee-Lynches C.O.G.

Dear Mr. Ryan:

The Lugoff-Elgin Water Authority (LEWA) is charged by the General Assembly with responsibility for providing drinking water in the western portion of Kershaw County. In addition, LEWA provides water to Fairfield and Richland County customers. LEWA is in the final stages of construction of improvements to its water treatment and distribution system to increase its capacity to six million gallons per day. **The capital investment in the expansion was predicated on the continued growth in demand in the LEWA service area. Demand for drinking water is in some areas contingent upon the availability of sewer service.**

Under the current Central Midlands 208 Water Quality Management Plan sewer service is to be provided in a portion of the LEWA service area by Palmetto Utilities. It is the understanding of LEWA that Palmetto Utilities has a territory assigned by DHEC and a discharge permit for the Wateree River below Interstate Highway 20. In making its economic forecast to support the capital improvements for its water system, LEWA relied on the ability of Palmetto Utilities to provide sewer service in a timely fashion so that the anticipated demand for water that was a factor in the decision to improve the water treatment plant and distribution system would materialize. **Any impediments to the availability of sewer service will have an adverse financial consequence to LEWA.**

LEWA does not oppose the transfer of Kershaw County to the Santee-Lynches COG for water quality management purposes if the transfer is conditioned upon binding obligations that the transfer will not result in any interference or delay in the development of sewer service for potential water customers in the LEWA service area. LEWA is willing to participate in discussions to formulate the conditions, and believes as a starting point perhaps Kershaw County could acknowledge the availability of Palmetto Utilities to provide sewer service in the LEWA territory with assurances that Kershaw County will not allow its proposed sewer treatment plant to delay sewer service in the LEWA territory. It is envisioned by LEWA that if Kershaw County were to construct a sewer treatment facility to serve the western portion of the county that facility would serve an area outside the territory currently assigned to Palmetto Utilities so there would be no conflict between the county and Palmetto Utilities over potential customers.

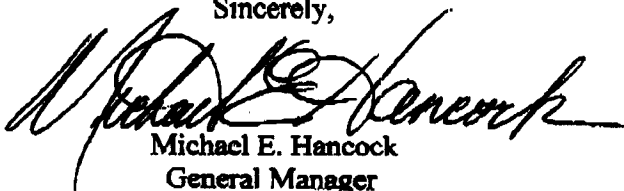
Mr. Joe Ryan
Page Two

LEWA's fiscal position will be jeopardized if Palmetto Utilities is prevented from providing service in its recognized territory while Kershaw County considers expansion of its wastewater treatment activity.

It is LEWA's belief that even if the county announced today that it would construct a plant and lines to serve customers in the LEWA service area it would be several years before that facility would be available to serve customers. In the interim, if private sewer treatment providers were precluded from serving Kershaw County customers, LEWA would be deprived of the increased revenue projected and needed to finance its capital improvements. LEWA is not opposed to expansion of the county's sewer treatment program provided that expansion will not limit LEWA's ability to expand its customer base prior to the completion of the county plant and lines. Ideally Kershaw County could proceed with its plans while allowing Palmetto Utilities to provide service consistent with its territorial assignment and discharge permit.

LEWA embraces the concept of regional planning, and is committed to working closely with Kershaw County to accommodate growth and development in the LEWA service area.

Sincerely,



Michael E. Hancock
General Manager

EPAC PUBLIC MEETING

MARCH 15, 2005

TOPIC: REQUEST BY KERSHAW COUNTY TO WITHDRAW FROM THE CENTRAL MIDLANDS COUNCIL OF GOVERNMENTS WATER QUALITY PLANNING PROGRAM.

Dr. Kimpson welcomed the attendees at 6:00 p.m. and that it was a pleasure to have them there at the public meeting on Kershaw County's request to withdraw from the Central Midlands COG for water quality planning purposes. He told the group the meeting was being held to get from the public their ideas and comments. He added that if there was information which needed to be clarified as it relates to the topic, that was one of the purposes of staff being there.

Dr. Kimpson then asked Norman Whitaker, Executive Director of Central Midlands Council of Governments to give a brief background and explain the recommendations to the group.

Mr. Whitaker introduced Joe Ryan, Environmental Planner for the COG, and Wayne Shuler, Chief Planner for the COG. He told the group that all counties in South Carolina are subject to a 208 Plan. This is either done by one of the councils of government or by SCDHEC on behalf of the counties in the area, the non-metropolitan counties of the State. Around the year 2000, Kershaw County asked to join Central Midlands Council of Governments 208 Water Quality Planning Program. Central Midlands entered into a contract with Kershaw County and amended the Water Quality Plan. It's called the 208 Plan, its named after Section 208 of the Federal Clean Water Act. The basic Central Midlands Plan from 1997 was amended in 2001 to add Kershaw County to the boundaries of the water quality policy plan. This plan was further amended by our Board in 2004 for five counties, for the Central Midlands counties and Kershaw County. There was a conference and update and that was adopted by our Board in March of 2004. Shortly after that, Kershaw County informed us they would like to withdraw from our water quality planning program, because their own council of governments, Santee-Lynches COG in Sumter, which they belong and pay dues to, is now in the 208 planning business. The Santee-Lynches COG has gone from the status of being one of the non-metro areas where SCDHEC does the plans, to doing their own plan. They have a 208 plan, which has been approved by EPA for all their counties except Kershaw. CMCOG staff went to SCDHEC and asked what they needed to do to allow Kershaw County to pull out of our program to go to Santee-Lynches. They said a coordinated amendment of the two 208 plans was required. Mr. Whitaker told the group that where we are now is there are amendments that Santee-Lynches has passed August 14, 2004 and February, 2005 that would amend the Santee-Lynches plan to add Kershaw County to their 208 planning boundary. CMCOG has an amendment that would simply, by reference, take Kershaw County out of our 208 planning area. Mr. Whitaker pointed out that the COG understands Kershaw County's desire to participate with their own council of governments in a 208 program and we understand now that service is available from Santee-

Lynches. What we've run into is this obstacle to approving a plan amendment at our Board level to take Kershaw County out of the program: there's a utility serving northeast Richland County called Palmetto Utilities; it is a business that has a contract from Richland County. Richland County has basically assigned their responsibilities as a sanitary sewer treatment provider in northeast Richland County to Palmetto Utilities through this contract. The concern is what will happen to Palmetto Utilities under the Santee-Lynches plan. Santee-Lynches has taken some steps to address the status of Palmetto Utilities, as recently February 7th, adding a map that shows the Palmetto Utilities service area in Kershaw County, a very small area near Elgin. They've also listed in their plan now, permits held from SCDHEC by Palmetto Utilities. Palmetto Utilities' two permits are both on sites located in Kershaw County and Palmetto Utilities, acting as the agent for Richland County in the future, will be responsible for serving a very high growth area. Population projections that CMCOG staff has used for transportation planning anticipate between the year 2000 and 2025, a population increase of almost 21,000 people in census tracts within Richland County and served primarily by Palmetto Utilities. If there was a service demand in areas close by, it would be reasonable to expect that Palmetto Utilities would be involved in serving the outskirts of Blythewood. Mr. Whitaker believed that Palmetto Utilities currently serves Blythewood. He told the group that some of our Board members received a letter in February from Kershaw County Council stating that Kershaw County's always been a good neighbor, which is absolutely true, and said along these lines: "we are having engineering completed for a regional wastewater treatment and will certainly provide an outlet for the growth in northeast Richland and Fairfield Counties when their treatment and discharge options run out." Mr. Whitaker pointed out that CMCOG's 208 Plan anticipates that the treatment options for northeast Richland County will be addressed by Palmetto Utilities' facilities in Kershaw County as their treatment plants. We later received a letter from Richland County Council which said they were basically opposed to the withdrawal of Kershaw County as currently proposed because they're concerned about the impact on their agent for providing wastewater treatment to Palmetto Utilities. There's a substantial amount of growth forecast in Richland County in the northeast area and the County has to have that addressed and they've chosen to address it by this contract with Palmetto Utilities. Mr. Whitaker added that our statistics also show that if there's a market for expanded treatment facilities in the area described in the letter from Kershaw County Council, northeast Richland and Fairfield Counties, even if you include parts of Kershaw County that could be served by Palmetto Utilities, the overwhelming majority of that new market opportunity is in northeast Richland County, where there's a projected population growth of almost 21,000 people between 2000 and 2025. Mr. Whitaker told the group that our Environmental Planning Advisory Committee (EPAC), under procedures set out in our plan, is assigned to review any proposed plan amendments. They were also asked by the Central Midlands Council of Governments' Board to review, as well, the Santee-Lynches 208 Plan and its amendments and make a recommendation on this proposed transfer of Kershaw County back to Santee-Lynches. He pointed out further that there was a resolution passed by our Board in June, 2004 that laid out an orderly procedure for the transfer of Kershaw County back to Santee-Lynches. It was in part based on the idea that we will do this subject to a short list of conditions and we also want to make sure that this is done in such a manner that it does not harm member governments of the Central Midlands Council of Governments. After hearing the discussion and after reviewing a letter from Richland County that stated Richland County had some issues with this proposed transfer because of possible

impacts on Palmetto Utilities, our Environmental Planning Advisory Committee voted to recommend not approving this transfer of Kershaw County to the Santee-Lynches Council of Governments. Before they voted on that, they did consider a proposal to table the issue and let Kershaw County and Richland County discuss the possibility of joining forces on providing waste treatment facilities to serve this service area. A member of Richland County Council was present at the March 3rd EPAC meeting and indicated the County is not interested in doing that. Mr. Whitaker told the group that the recommendation of our Environmental Planning Advisory Committee would go to our Board for consideration. He added that it's on the preliminary agenda for the March 24th Board meeting and that any input given at the hearing would be forwarded to the Board. Mr. Whitaker told the group that the public meeting was being recorded and minutes would be available. Any written comments would also be accepted through the close of business March 21st. He invited everyone to fill out a form during the meeting and would also accept written comments through the close of business on Monday and would provide those to our Board so they could use the information in making any decision they wanted to make. Mr. Whitaker told the group our Board could take several actions, they could approve the Plan amendment to remove Kershaw County from our 208 Plan and allow the amendments to proceed, they've already been approved by the Santee-Lynches Board. They could decide not to do that, in which case they could either vote no, or they could just not do anything. Another option they have is a conditional approval such as if they so desired, they could say we will proceed with this subject to getting assurance in the Santee-Lynches 208 Plan or otherwise that Richland County and Palmetto Utilities would be able to proceed with their current plans and utilize their existing permits. If we get to that point, if there are plan amendments adopted by both councils of governments, those would have to be forwarded to SCDHEC. SCDHEC should review and comment on those proposals and they would forward those to the U.S. Environmental Protection Agency. In summary, Mr. Whitaker commented that Central Midlands concerns have nothing to do with where Kershaw County participates in terms of water quality planning. In fact there's another proposal that allows them to participate actively in the Santee-Lynches program without us having to amend our 208 Plan. He added that we would be supportive of that he guessed. Mr. Whitaker then said staff would be glad to hear any comments from anyone present. For the record, he asked for speakers to identify themselves.

Mr. Jay Bender commented that he would like to ask a question. He asked if Mr. Whitaker was saying that Santee-Lynches has amended its plan to include the Palmetto Utilities territory that's in Kershaw County. Mr. Whitaker responded that yes they had and it's a proposed amendment that has yet to be approved by EPA. He pointed out that if the group looked at the map on display, Palmetto Utilities is in both Kershaw and Richland Counties. Mr. Whitaker commented that to staff's knowledge, all the 208 plans in South Carolina consist of a county as the smallest unit. Neither COG has looked at the option of splitting up any territory and putting one part in Kershaw and Santee-Lynches 208 Plan and another part in ours.

Dr. Kimpson emphasized that written comments would be accepted through Monday, March 21st, so if anyone had comments to please send them to CMCOG by the end of the work day. He then opened the floor for comments and discussion from the public. He asked that visitors keep their comments within ten minutes or less so that everyone would have a chance to speak.

Ms. Sara Williams, a resident of Kershaw County, brought a petition signed by a lot of people. The petition read: *I am here to present a petition in support Kershaw County and the City of Camden moving their 208 water quality planning to Santee-Lynches Council of Governments. Santee-Lynches Council of Governments is the statutorily designated COG for Kershaw County.*

Santee-Lynches COG is where the citizens of Kershaw County go to be heard by their elected state, county and local representatives on issues related to the Santee-Lynches region. Most citizens of Kershaw County have no elected representation on the Central Midlands Council of Governments Board and this is a matter of disenfranchisement. There may be serious civil rights issues if 208 planning is not moved to the Santee-Lynches COG.

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Mr. Whitaker told Ms. Williams the information would be given to the CMCOG Board. Dr. Kimpson told the group the EPAC committee makes recommendations to the CMCOG Board and her information would be discussed and forwarded to them.

Mr. Mac Mitchell from Carolina Water Service was the next person to speak. He told the group that in the Santee-Lynches staff recommendations they said they support the least cost, highest efficiency public service management philosophy. His question was, has Santee-Lynches done any study or analysis that shows that private utilities cannot provide equal service in the area compared to public? Mr. Mitchell said he wanted that question on the record. Mr. Whitaker asked if there was anyone present from Santee-Lynches who could answer the question. Mr. Pete Higgs, from Santee-Lynches Regional Council of Governments, said he was there as an observer only. Mr. Whitaker then stated the question was noted for the record.

Dr. Kimpson then asked if there were any additional comments or suggestions. Mr. Whitaker emphasized that staff was serious about the suggestions, the idea our Board has said under the right circumstances we'll approve this transfer. We've summarized the concerns that we've got regarding how this would impact the contractual arm of Richland County in providing the services they have to provide to their wastewater customers. It also affects the potential future growth and economic development in Richland County.

The next speaker was Jim Podell, a resident of Kershaw County. He mentioned that he knew of some other developments going on that would fall in the Kershaw County area, but are very convenient to Palmetto Utilities. He asked if that's something that's involved now, or something that would happen outside of this discussion and the transfer that's going on now. He asked who

would provide the services, would it be up to Kershaw County in either event? Mr. Whitaker responded that there may be some disagreement on that question. Palmetto Utilities has a contract with Richland County to provide services and they've got certain powers that have been delegated to them by Richland County acting as a management agency for wastewater services in Richland County. He didn't believe they had exactly the same powers in Kershaw County. Kershaw County is a management agency overseeing provision of wastewater utilities in Kershaw County. But Palmetto Utilities does have a service area, which he believed was previously approved by Kershaw County and is approved by the Public Service Commission. The issue, from our standpoint at Central Midlands, is it happens that the location where the treatment facilities exist and would be expanded and built, are in Kershaw County. That is the bulk of this dispute.

Mr. Podell then commented his next question would be about treatment water going to the river. It comes out of this COG and goes into Santee-Lynches COG. He asked if it would affect SCDHEC in issuing permits for gallons of wastewater. Mr. Whitaker responded that SCDHEC's permits are based on a projection of what the waste loading from all sources would be and what the waste loading from these facilities, Palmetto Utilities, would be. All the plants that were anticipated when our Plan was done were included in the development of the Plan. The proposed future Kershaw County plant is, he believed, not in the Santee-Lynches Plan at this point. Mr. Hipps from the Santee-Lynches COG mentioned that he didn't think so. Mr. Whitaker told the group that the Santee-Lynches Plan also has some statements that first of all are not aimed at any particular plant, they're part of language that appears in all the State authored 208 plans. The language that says there generally won't be overlapping plants approved and won't approve two plants when one plant could serve an area. Mr. Podell pointed out that if you get in a disagreement, then the people that need the service have to sit and wait forever till that disagreement gets resolved, and that's what he was wondering, if this change is going to create problems in getting that service. He added that the question was asked, private sector or public sector doing it and of course Kershaw County just got a grant and Palmetto Utilities, he understood, doesn't get these sorts of grants. He added it would logically say then that Kershaw County would make it work with a better profit center because they don't have the investment up front. From his standpoint that doesn't make that much difference. What does is, is the service to the properties, residential or otherwise, on what might happen and that bind is there, he doesn't quite know where it goes in Kershaw County. He mentioned that there's two tracts for residential that Palmetto Utilities could possibly serve and do a better job and Kershaw County would have to spend a ton to get there. He asked if this changes over, would that affect how the service is going to be done in that area, is it going to stay the same, is it going to limit gallons per minute that Palmetto Utilities can have if Kershaw County takes more of that or is there a certain limit that can go in the river? Mr. Whitaker responded that that's an issue that SCDHEC arbitrates through their permitting process. Currently they've issued permits for Palmetto Utilities to expand one facility and build another. The new treatment plant would have an outfall, the pipe would go to the Wateree River. Mr. Podell then asked if Kershaw County would have to do the same thing at some point in time when growth comes. Mr. Whitaker responded that he believed they've started preliminary engineering studies for a waste water treatment facility and would have to go through a permitting process.

Dr. Kimpson commented that he wanted to assure everyone that the COG has spent a tremendous amount of time in discussion and getting input and support, so it's not anything that this COG has taken lightly. We want to abide with what the regulations are and of course Richland County and Kershaw County as two counties, they may have to come together and do some things. As has been mentioned, the recommendations from EPAC will go to our Board Thursday, March 24th at noon in the CMCOG conference room. Dr. Kimpson added that whatever action our Board takes, that's what we'll abide by. Mr. Podell asked if that's a closed session. Mr. Whitaker responded no, it's a public meeting.

Dr. Kimpson then asked if there were any further comments. Mr. Whitaker mentioned again that CMCOG would accept written comments until March 21st and the sooner they were received could be sent to our Board in a package to be mailed this week along with the petition.

Dr. Kimpson then thanked those in attendance and invited them to attend the CMCOG Board meeting on March 24th. The meeting then adjourned at 6:30 p.m.



South Carolina
Department of Transportation

ENCLOSURE 6

February 24, 2005

Mr. Norman Whitaker
Executive Director
Central Midlands Council of Governments
236 Stoneridge Drive
Columbia, South Carolina 29210

RE: Completion of "27 in 7" Bonding Program

Dear Mr. Whitaker:

Through our partnership, we have successfully implemented the "27 in 7" bonding program. The citizens of South Carolina will realize tremendous benefits because of this initiative, and can now drive on roads that have been constructed many years ahead of schedule. Through traditional funding methods, many of these projects would still be just a plan waiting on funding, but thanks to this innovative approach, we can all celebrate the record number of projects that are being completed in each our communities.

With good timing and excellent cash management, SCDOT has been successful in issuing \$550 million in bonds, with an average interest rate of about 4.5%. This rate is much lower than the original anticipated rate of 6%, and allows many programs the ability to borrow more or commit less toward future debt service payments. Many MPO and COG's will have lower than anticipated debt payments, which should provide for future opportunities to accelerate new projects or fund resurfacing of existing roads or bridge replacements.

This spring SCDOT will issue the last bonds for the program. The bond proceeds will be used to complete the remaining funded projects in the program. With the issuance of these bonds and the completion of the remaining funded projects, the "27 in 7" program will be concluded.

Please contact me if you have any further questions regarding the bonding program.

Sincerely,

W. Keith Bishop
Deputy Director

WKB:pbg

CC: Elizabeth Mabry
Tony Chapman
Program Managers





Date: March 17, 2005
To: Central Midlands COG Board of Directors
From: Robin Cooley, Principal Planner
Subject: Update on CDBG Program (Information only)

The 2005 Community Development Block Grant (CDBG) Program year is underway. The first funding round of the year involves local planning and infrastructure funds. On March 11, 2005, the Central Midlands region submitted three (3) application requests for local planning funds and four (4) application requests for infrastructure funds. Those requests were:

Local Planning

- Town of Eastover – Request of \$20,000 to perform a comprehensive needs assessment of the Town of Eastover.
- Town of Gaston – Request of \$20,000 to perform a comprehensive needs assessment of the Town of Gaston
- City of West Columbia – Request of \$20,000 to perform a comprehensive needs assessment of the City of West Columbia.

Infrastructure

- Fairfield County – Request of \$500,000 to construct a 200,000-gallon water tank to increase water pressure to residents in a portion of the County.
- Newberry County – Request of \$500,000 to extend sewer lines to provide sewer service to residents in a portion of the Helena community.
- Town of Ridgeway – Request of \$444,380 in CDBG funds to extend water lines to serve a residential area outside of Town
- City of West Columbia – Request of \$239,700 in CDBG funds to extend water and sewer service to the Double Branch neighborhood in West Columbia

These applications are currently being completed and will be submitted to the SC Department of Commerce, Grants Administration on or before April 11, 2005.

The next CDBG funding cycle will involve Neighborhood Revitalization, Commercial Revitalization and Competitive Communities. Due dates for these activities are as follows:

August 17, 2005 at 5:00 p.m.	Application requests are due
September 16, 2005 at 5:00 p.m.	Applications are due



Date: March 17, 2005
To: Central Midlands COG Board of Directors
From: Robin Cooley, Principal Planner
Subject: Briefing and Resolution on Proposed Elimination of CDBG and EDA Programs

The President's FY 2006 budget request calls for the elimination of 18 federal community and economic development programs currently funded at \$5.5 billion, to create a new consolidated economic development program. The consolidated program would reduce funding for these activities by \$1.8 billion each year. Programs slated for termination under the proposal include the Economic Development Administration (EDA) and HUD's Community Development Block Grant (CDBG) program.

These programs will be consolidated into an Economic Development Challenge Program which will be focused on job creation and business formation in distressed and low income areas. Points of the Economic Development Challenge Program include:

- Elimination of EDA and the EDA District Planning Program
- Elimination of the current HUD CDBG Program
- Focus almost exclusively on job creation, with minor emphasis on community development and quality of life improvement activities.

Without the resources of CDBG and EDA, distressed small and rural communities will be placed at a competitive disadvantage. CDBG provides valuable quality of life investments for communities to develop adequate community facilities that are essential to growing businesses and attracting quality jobs.

Nearly all of our member governments have taken advantage of CDBG and EDA funding dollars over the lifetime of the COG. These funds are vital and valuable to our communities.

The attached resolution outlines CMCOG's support for the continued funding of these programs in their current form and urges our South Carolina Congressional Delegation to actively seek restoration of these funds to the FY 2006 federal budget.



**RESOLUTION
IN SUPPORT OF CONTINUED FUNDING FOR
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
And
ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)
PROGRAMS**

WHEREAS, communities in the Central Midlands region of the State of South Carolina have utilized and benefited from CDBG and EDA funding.

WHEREAS, examples of projects funded through CDBG and EDA include:

- Lexington County – Pirelli - EDA
- Richland County – Atlas Road Sewer - CDBG
- Newberry County – Former Hospital Affordable Housing - CDBG
- Fairfield County – Senior Center - CDBG

WHEREAS, local governments have relied on these funds as one of the few sources of flexible funding for community and economic development activities; and

WHEREAS, the President's FY 2006 budget eliminates the current CDBG and EDA programs; and

WHEREAS, the elimination of these critical programs would place distressed small and rural communities at a competitive disadvantage by diminishing the ability to provide valuable quality of life investments essential to growing businesses and attracting quality jobs; and

WHEREAS, the elimination of these critical programs would also negatively impact cities and urban counties receiving entitlement dollars by cutting valuable, flexible resources used to address the needs of poorer citizens, remove blight and improve quality of life.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of Central Midlands Council of Governments encourages the Congressional Delegation of South Carolina to actively seek restoration of these vital funds in the FY 2006 federal budget.

DULY RESOLVED This 24th day of March, 2005.

E.W. Cromartie, II, Chairman

Norman Whitaker, Executive Director