COMMITTEE ON WATER AND SANITATION
(Standing Committee of Berkeley County Council)

Chairman: Mr. Timothy J. Callanan, Council Member District No. 2

A meeting of the **COMMITTEE ON WATER AND SANITATION**, Standing Committee of Berkeley County Council, was held on **Monday**, **September 14, 2009**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:42 p.m.

PRESENT: Chairman Timothy J. Callanan, Council District No. 2; Committee Member Phillip Farley, Council District No. 1; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; Supervisor Daniel W. Davis, ex officio; Ms. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

Chairman Callanan called the meeting to order and asked for approval of minutes from a meeting of the Committee on Water and Sanitation held August 10, 2009.

It was moved by Committee Member Farley and seconded by Committee Member C. Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

A. **Review** prior to **Second Reading** of **Bill No. 09-38**, an **ordinance** to amend the code of ordinances, Berkeley County, South Carolina, regarding the regulation of the use of public and private water distribution systems.

Committee Member S. Davis inquired if a draft had been provided for review of Bill No. 09-38.

Mr. Colin Martin, Executive Director, Berkeley County Water & Sanitation, (BCWS), stated that two drafts had been provided to the Chairman this day.

Chairman Callanan responded that one draft is the outright repeal of the mandatory tie in.

Mr. Martin stated that one draft states that if the resident currently has a well that is being used at a residence, when public water becomes available, they can continue to use their private well until a time when it might fail. If the well fails, the resident would have to hook up to the

public system. Private wells are not permitted by BCW&S or DHEC, consequently the enforceability would be difficult.

Committee Member S. Davis stated approval of the elimination of the mandatory tie in and requested to amend the draft ordinance to read that if the well meets DHEC approval should be the case, instead of if the well fails. The draft means that is the well fails, the resident does not have the option to move over ten feet and drill another well with perfectly safe water. It should be considered that if a resident has a well that meets safety standards from DHEC, then the individual should not be required to mandatory tie in.

Mr. Martin responded it would be very difficult to enforce because wells are not permitted.

Committee Member S. Davis stated that water samples could be given to DHEC. He continued that County Council should be consider to completely eliminate the mandatory tie in.

Mr. Martin stated that the second draft would be that developers would have to tie in to the public water system.

Chairman Callanan stated that if there is an undeveloped single piece of property, it would be required to tie in. It would be difficult to detect when a single property owner drills a well. It would be better if the other option repeals the ordinance, with the exception of developers.

Mr. Martin stated that staff recommended that if the ordinance is changed to eliminate some of the mandatory tie ins, then eliminate them all. This would better allow the ability to get grants for low to moderate income residents if there is no mandatory requirement.

Chairman Callanan inquired if the second draft meets that criteria.

Mr. Martin responded it would not. Another draft would have to be created to eliminate all mandatory tie ins.

Committee Member Fish inquired if mandatory tie ins have been a major problem prior to last year. Have the majority of the land owners resisted the mandatory tie in?

Mr. Martin stated the change in the fees have caused the residents to resist the mandatory tie in.

Committee Member Fish stated that it places emphasis on BCWS engineering to conduct a survey before spending $4 million. The survey would determine if there are enough residents to support the water line and the location.

Committee Member Schurlknight stated this is not the first instance there has been a problem with mandatory tap ins. When the water lines were installed in Macedonia, there was

the same situation. The residents had wells for years with good drinking water and why should they spend the money to tap in. The project on Long Acre from Macedonia to Bonneau has the same situation. The residents on a fixed income cannot afford to tap in. The residents that have good drinking water should be protected. They could continue to use the wells until a certain time when they take a sample to DHEC and it is tested to be unsafe. At that point, they need to tap in.

Committee Member Call inquired if DHEC issue permits for wells and if well drillers are required to be licensed and if wells are required to be inspected.

Mr. Martin did not believe that well drillers have to be licensed or their wells are inspected.

Committee Member Call stated he was under the impression that the State Legislature had required the inspections because surface water was seeping into the wells that were not cased properly.

Mr. Ed Rogers, BCWS Customer Service Director, was not aware of well drillers having to be licensed. A resident can have a well installed by a well driller with no inspection by the County or DHEC. Water testing is also not required.

Committee Member Pinckney inquired if the mandatory tie in is repealed, would it allow for future grants to be obtained for residents in need of safe water.

Mr. Martin replied a grant can be obtained, but points would not be added. This would make the County less competitive for the grant.

Committee Member Pinckney stated there are many residents in the rural and non-incorporated area that desperately need safe drinking water. There is concern regarding mandatory tap in. Residents with wells should have choices and residents without wells should have the opportunity to have safe drinking water. Public water systems also assist with home owners' insurance and fire protection.

Chairman Callanan stated that after speaking with Dorchester County officials, there are some steps that can be taken, depending upon the type grant, to make up some of the lost points for the grants.

Committee Member S. Davis stated there is an $80 expense that the State collects from the well driller before drilling commences. He moved for second reading of Bill No. 09-38, to include the language that would eliminate the mandatory tie in.

Chairman Callanan stated there is a motion to approve a repeal of the mandatory tie in, in its entirety.

It was moved by Committee Member S. Davis and seconded by Committee Member Fish to **approve** prior to **Second Reading** of **Bill No. 09-38 and insert the language to repeal the mandatory tie-in, in its entirety**. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **adjourn** the Committee on Water & Sanitation meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 6:57 pm.

October 12, 2009
Date Approved

COMMITTEE ON WATER AND SANITATION
(Standing Committee of Berkeley County Council)

Chairman: Mr. Timothy J. Callanan, District No. 2

Members: Mr. Phillip Farley, District No. 1
Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy Davis, District No. 4
Mr. Dennis L. Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON WATER AND SANITATION,** Standing Committee of Berkeley County Council will be held on **Monday September 14, 2009,** following the meetings of the Committees on Community Services, Justice and Public Safety and Land Use at **6:00 p.m.,** in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

APPROVAL OF MINUTES **August 10, 2009**

A. **Review** prior to **Second Reading** of **Bill No. 09-38**, an **ordinance** to amend the code of ordinances, Berkeley County, South Carolina, regarding the regulation of the use of public and private water distribution systems.

September 9, 2009
S/Barbara B. Austin, CCC
Clerk of County Council