



Board of Commissioners Meeting
OJRSA Operations & Administration Building
Lamar Bailes Board Room
August 4, 2025 at 4:00 PM

OJRSA commission and committee meetings may be attended in person at the address listed above. The OJRSA will also broadcast meetings live on its YouTube channel at www.youtube.com/@OconeeJRSA (if there is a technical issue preventing the livestreaming of the meeting, then a recording will be published on the channel as soon as possible). For those not able to attend in person, then the OJRSA Board or Committee Chair will accept public comments by mail (623 Return Church Rd, Seneca, SC 29678) or at info@ojrsa.org. Comments must comply with the public session instructions as stated on the meeting agenda and will be received up until one hour prior to the scheduled meeting. If there is not a public session scheduled for a meeting, then comments shall not be accepted.

Agenda

- A. Call to Order** – Kevin Bronson, Board Chair
- B. Invocation and Pledge of Allegiance** – Led by Commissioner Marty McKee
- C. Special Action Items** – Led by Kevin Bronson, Board Chair
 - 1. Consider retention of general counsel through Pope Flynn, LLC, and specifically Lawrence Emile Flynn III, as recommended by the Executive Committee
 - 2. Accept nominations and elect the Vice Chair for the OJRSA Board of Commissioners for the remainder of the current term. (Position must be held by a current Commissioner)
- D. Public Session** – Receive comments relating to topics that may or may not be on this agenda. Session is limited to a maximum of 30 minutes with no more than 5 minutes per speaker.
- E. Approval of Minutes**
 - Board of Commissioners Meeting of June 2, 2025
 - Board of Commissioners Meeting of July 7, 2025 *Canceled*
 - Board of Commissioners Meeting of July 15, 2025 *Called meeting*
- F. Committee and Other Meeting Reports**
 - Operations & Planning Committee Meeting of June 18, 2025 *Canceled due to lack of agenda items*
 - Finance & Administration Committee Meeting of June 24, 2025 *Canceled at request of Committee*
 - Operations & Planning Committee Meeting of July 16, 2025 – Scott McLane, Committee Chair
 - Finance & Administration Committee Meeting of July 22, 2025 – Celia Myers, Committee Chair
 - Executive Committee Meeting of July 29, 2025 – Kevin Bronson, Committee Chair
- G. Acceptance of Sewer Feasibility Implementation Ad Hoc Committee Meeting Reports** – led by Lynn Stephens, Secretary/Treasurer
 - 1. Meeting of May 8, 2025 *Minutes were approved by the ad hoc committee at the June 16, 2025 meeting*
 - 2. Meeting of June 16, 2025 *Minutes approved by Unanimous Consent Resolution by the ad hoc committee (Exhibit A)*
- H. Secretary/Treasurer's Report** (Exhibit B) – Lynn Stephens, Secretary/Treasurer
- I. Presentation and Discussion Items** [May include vote and/or action on matters brought up for discussion]
 - Discuss establishment of ad hoc Agency Reconstitution Committee to oversee and guide the initial implementation steps as stated in Recommendation #4 of the OJRSA Reorganization Recommendations as accepted by the Board of Commissioners on July 15, 2025 (Exhibit C) – Kevin Bronson, Board Chair
- J. Action Items**
 - 1. Approve Resolution 2025-06 Revision to OJRSA Impact Fee Policy. Change to policy necessary to comply with the change in the way the agency assesses impact fees as noted in the approved Fiscal Year 2026 Schedule of Fees. (Exhibit D) – Chris Eleazer, Director
 - 2. Approve Cove Utility Construction Change Request #1 in the amount of \$14,225.64 for work necessary to complete OJRSA Project #2025-05 General Water Reclamation Facility Installation Projects (Exhibit E) – Kyle Lindsay, Operations Director

K. Executive Director's Discussion and Compliance Matters – Chris Eleazer, Director

1. Environmental and regulatory compliance matters
2. Miscellaneous *(if any)*

L. Commissioners' Discussion – Led by Kevin Bronson, Board Chair

Discussion can be related to matters addressed in this meeting or for future consideration by the Board or Committee. Voting is not permitted during this session.

M. Executive Session NOTE: *Board may act on matters discussed in executive session upon returning to open session*

1. Receipt of legal advice related to insurance defense denial *[Executive Session permissible under SC Law 30-4-70(a)(2), which states: Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.]*
2. Discussion of personnel matter – Executive Director evaluation and consideration of contract extension. *[Executive Session permissible under SC Law 30-4-70(a)(1), which states: Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.]*

N. Upcoming Meetings *All meetings to be held in the OJRSA Lamar Bailes Board Room unless noted otherwise.*

- Operations & Planning Committee – August 20, 2025 at 8:30 AM
- Finance & Administration Committee – August 26, 2025 at 9:00 AM
- Board of Commissioners – September 8, 2025 at 4:00 PM

O. Adjourn



UNANIMOUS CONSENT RESOLUTION

OJRSA Ad Hoc Sewer Feasibility Implementation Committee

WHEREAS, the Oconee Joint Regional Sewer Authority, South Carolina (the "Authority") was created in 2007 by the cities of Seneca, Walhalla, and Westminster under the South Carolina Joint Authority Water and Sewer Systems Act to manage and facilitate regional wastewater services within Oconee County; and

WHEREAS, the Authority's Board of Commissioners (the "Board") recognizes the importance of continuously evaluating its governance structure, operational capabilities, and long-term sustainability to ensure the efficient delivery of services to its member municipalities and their citizens; and

WHEREAS, the Board authorized W.K. Dickson and Company, Incorporated to perform a Regional Sewer Feasibility Planning Study (the "Study") on August 7, 2023; and

WHEREAS, the findings and recommendations of the Study were presented to the Board on August 5, 2024, and the Study was formally adopted by the Board on September 9, 2024; and

WHEREAS, as contemplated by the Study, the Board established the Ad Hoc Sewer Feasibility Implementation Committee (the "Committee") on November 4, 2024 to provide and develop recommendations regarding the reconstitution of the Authority, with the goal of enhancing regional coordination, governance, and service delivery in the region; and

WHEREAS, the Committee, consisting of Joel Jones, Amanda Brock, Chris Eleazer, Scott McLane, Celia Myers, Scott Parris, Sue Schneider, Rivers Stilwell, and Scott Willett, worked diligently and collaboratively over an extended period, contributing their knowledge, experience, and vision to this vital effort; and

WHEREAS, the Committee assembled for its final meeting on June 16, 2024 to review and approve the recommendations as commissioned by the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Committee, acting by unanimous consent as indicated by the signatures of all members below, as follows:

1. The minutes of the Committee for the meeting held on June 16, 2024, a copy of which is attached hereto as Exhibit A, represent an accurate description of the meeting that occurred on such date. As a result, the minutes shall be validly approved and no further action of the Committee shall be required.
2. No further action or recommendations of the Committee are required, and the Committee shall be disbanded and terminated.

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UNANIMOUS CONSENT RESOLUTION | Page 2 of 3
OJRSA Ad Hoc Sewer Feasibility Implementation Committee

IN WITNESS WHEREOF, the undersigned, representing the full membership of the Committee, have unanimously executed this Unanimous Consent Resolution, which is to be effective as of the signing of all Committee members.



Joel Jones, Committee Chair

Date: _____

July 1, 2025

Chip Bentley, Committee Member

Date: _____

Amanda Brock, Committee Member

Date: _____

Christopher Eleazer, Committee Member

Date: _____

Scott McLane, Committee Member

Date: _____

Celia Myers, Committee Member

Date: _____

Sue Schneider, Committee Member

Date: _____

Rivers Stilwell, Committee Member

Date: _____

Scott Willett, Committee Member

Date: _____

UNANIMOUS CONSENT RESOLUTION | Page 2 of 3
OJRSA Ad Hoc Sewer Feasibility Implementation Committee

IN WITNESS WHEREOF, the undersigned, representing the full membership of the Committee, have unanimously executed this Unanimous Consent Resolution, which is to be effective as of the signing of all Committee members.

Joel Jones, Committee Chair

Date: _____



Chip Bentley, Committee Member

Date: 7/2/25

Amanda Brock, Committee Member

Date: _____

Christopher Eleazer, Committee Member

Date: _____

Scott McLane, Committee Member

Date: _____

Celia Myers, Committee Member

Date: _____

Sue Schneider, Committee Member

Date: _____

Rivers Stilwell, Committee Member

Date: _____

Scott Willett, Committee Member

Date: _____

UNANIMOUS CONSENT RESOLUTION

OJRSA Ad Hoc Sewer Feasibility Implementation Committee

Page 2 of 3

IN WITNESS WHEREOF, the undersigned, representing the full membership of the Committee, have unanimously executed this Unanimous Consent Resolution, which is to be effective as of the signing of all Committee members.

Joel Jones, Committee Chair

Date: _____

Chip Bentley, Committee Member

Date: _____


Amanda Brock, Committee Member

Date: 06.26.2025

Christopher Eleazer, Committee Member

Date: _____

Scott McLane, Committee Member

Date: _____

Celia Myers, Committee Member

Date: _____

Sue Schneider, Committee Member

Date: _____

Rivers Stilwell, Committee Member

Date: _____

Scott Willett, Committee Member

Date: _____

UNANIMOUS CONSENT RESOLUTION | Page 2 of 3
OJRSA Ad Hoc Sewer Feasibility Implementation Committee

IN WITNESS WHEREOF, the undersigned, representing the full membership of the Committee, have unanimously executed this Unanimous Consent Resolution, which is to be effective as of the signing of all Committee members.

Joel Jones, Committee Chair

Date: _____

Chip Bentley, Committee Member

Date: _____

Amanda Brock, Committee Member

Date: _____


Christopher Eleazer, Committee Member

Date: 6/26/2026

Scott McLane, Committee Member

Date: _____

Celia Myers, Committee Member

Date: _____

Sue Schneider, Committee Member

Date: _____

Rivers Stilwell, Committee Member

Date: _____

Scott Willett, Committee Member

Date: _____

UNANIMOUS CONSENT RESOLUTION | Page 2 of 3
OJRSA Ad Hoc Sewer Feasibility Implementation Committee

IN WITNESS WHEREOF, the undersigned, representing the full membership of the Committee, have unanimously executed this Unanimous Consent Resolution, which is to be effective as of the signing of all Committee members.

Joel Jones, Committee Chair Date: _____

Chip Bentley, Committee Member Date: _____

Amanda Brock, Committee Member Date: _____

Christopher Eleazer, Committee Member Date: _____

Scott McLane
Scott McLane, Committee Member Date: 7-2-25

Celia Myers, Committee Member Date: _____

Sue Schneider, Committee Member Date: _____

Rivers Stilwell, Committee Member Date: _____

Scott Willett, Committee Member Date: _____

UNANIMOUS CONSENT RESOLUTION | Page 2 of 3
QJRSA Ad Hoc Sewer Feasibility Implementation Committee

IN WITNESS WHEREOF, the undersigned, representing the full membership of the Committee, have unanimously executed this Unanimous Consent Resolution, which is to be effective as of the signing of all Committee members.

Joel Jones, Committee Chair Date: _____

Chip Bentley, Committee Member Date: _____

Amanda Brock, Committee Member Date: _____

Christopher Eleazer, Committee Member Date: _____

Scott McLane, Committee Member Date: _____


Celia Myers, Committee Member Date: 6-26-2025

Sue Schneider, Committee Member Date: _____

Rivers Stilwell, Committee Member Date: _____

Scott Willett, Committee Member Date: _____

UNANIMOUS CONSENT RESOLUTION | Page 2 of 3

OJRSA Ad Hoc Sewer Feasibility Implementation Committee

IN WITNESS WHEREOF, the undersigned, representing the full membership of the Committee, have unani-
mously executed this Unanimous Consent Resolution, which is to be effective as of the signing of all Committee
members.

_____ Date: _____

Joel Jones, Committee Chair

_____ Date: _____

Chip Bentley, Committee Member

_____ Date: _____

Amanda Brock, Committee Member

_____ Date: _____


Christopher Eleazer, Committee Member

_____ Date: _____

Scott McLane, Committee Member

_____ Date: _____

Celia Myers, Committee Member

_____ Date: 6/26/25

Sue Schneider, Committee Member

_____ Date: _____

Rivers Stilwell, Committee Member

_____ Date: _____

Scott Willett, Committee Member

UNANIMOUS CONSENT RESOLUTION | Page 2 of 3
OJRSA Ad Hoc Sewer Feasibility Implementation Committee

IN WITNESS WHEREOF, the undersigned, representing the full membership of the Committee, have unanimously executed this Unanimous Consent Resolution, which is to be effective as of the signing of all Committee members.

Joel Jones, Committee Chair

Date: _____

Chip Bentley, Committee Member

Date: _____

Amanda Brock, Committee Member

Date: _____

Christopher Eleazer, Committee Member

Date: _____

Scott McLane, Committee Member

Date: _____

Celia Myers, Committee Member

Date: _____

Sue Schneider, Committee Member

Date: _____


Rivers Stilwell, Committee Member

Date: June 26, 2025

Scott Willett, Committee Member

Date: _____

UNANIMOUS CONSENT RESOLUTION | Page 2 of 3
OJRSA Ad Hoc Sewer Feasibility Implementation Committee

IN WITNESS WHEREOF, the undersigned, representing the full membership of the Committee, have unanimously executed this Unanimous Consent Resolution, which is to be effective as of the signing of all Committee members.

Joel Jones, Committee Chair

Date: _____

Chip Bentley, Committee Member

Date: _____

Amanda Brock, Committee Member

Date: _____

Christopher Eleazer, Committee Member

Date: _____

Scott McLane, Committee Member

Date: _____

Celia Myers, Committee Member

Date: _____

Sue Schneider, Committee Member

Date: _____

Rivers Stilwell, Committee Member

Date: _____



Scott Willett, Committee Member

Date: 7/3/25



Oconee Joint Regional Sewer Authority

623 Return Church Road
Seneca, South Carolina 29678
Phone (864) 972-3900
www.ojrta.org

OCONEE JOINT REGIONAL SEWER AUTHORITY Ad-Hoc Sewer Feasibility Implementation Committee June 16, 2025

The Ad-Hoc Feasibility Implementation Committee meeting was held at the Coneross Creek Wastewater Treatment Plant.

Commissioners/Committee Members that were present:

- Joel Jones (Citizen - formerly worked for ReWa) – Committee Chair
- Chip Bentley (Appalachian Council of Gov'ts.)
- Amanda Brock (Oconee County)
- Chris Eleazer (Oconee Joint Regional Sewer Authority)
- Scott McLane (City of Seneca)
- Celia Myers (City of Walhalla)
- Scott Parris (City of Westminster)
- Sue Schneider (Citizen - formerly worked for Spartanburg Water)
- Rivers Stilwell (Attorney, Maynard Nexsen) - *via Microsoft Teams*
- Scott Willett (Anderson Regional Joint Water System)

Committee Members that were not present:

- None (all were in attendance)

OJRSA appointments and staff present were:

- Lynn Stephens, Secretary/Treasurer to the Board and Office Manager

Others present were:

- Lawrence Flynn (Pope Flynn - OJRSA Attorney) – *via Microsoft Teams*
- Michael Traynham (Maynard Nexsen - OJRSA Attorney) – *via Microsoft Teams*
- Angie Mettlen, (Vice President, W.K. Dickson/Ardurra)
- Katherine Amidon (Environmental Planner, Bolton & Menk)
- Tony Adams, Oconee Co. Citizen
- Norm Cannada, The Journal

A. Call to Order – Mr. Jones called the meeting to order at 9:04 a.m. He thanked everyone for accommodating the schedule change and added that this may be the last committee meeting.

B. Public Comment – None.

Mr. Eleazer took a moment to state that Mr. Rivers Stilwell, Mr. Lawrence Flynn, and Mr. Michael Traynham are attending the meeting online. Mr. Traynham introduced himself stating he is with Maynard Nexsen and is the outside environmental counsel for the OJRSA.

C. Approval of Minutes:

- **Ad Hoc Sewer Feasibility Implementation Committee Meeting of May 8, 2025**

Ms. Schneider made a motion, seconded by Mr. Willett, to approve the May 8, 2025 Ad Hoc Feasibility Implementation Committee Meeting minutes as presented. The motion carried.

D. Committee Discussion and Action Items:

- 1. Review Draft Recommendation for OJRSA Reorganization** – Mr. Jones said this draft recommendation includes edits made regarding committee members' comments and Mr. Flynn's recommendations at the last meeting. Mr. Jones said the committee will review it today, and he is hoping the committee can get it finalized and send it back to the board to move forward on it.

Mr. Willett asked Mr. Eleazer if the OJRSA board has seen the draft recommendation and if they provided any comment on it. Mr. Eleazer replied it was provided to them but he has not received any comments.

Mr. Jones took a minute to thank Mr. Flynn for all his help. Then he said there were a few additions and asked Mr. Flynn to explain those.

Ms. Mettlen said there weren't any changes but more like some details added around items. Ms. Mettlen stated this recommendation includes the structure of a new board if the legislative changes are enacted and how to proceed and get to the five (5)-member board under the current joint systems act if the legislation does not change. She added there is a way forward either way, and there is ample time to get things done.

Mr. Willett asked if there should be a separate recommendation for adding Oconee County to the 5-member board prior to the other recommendations. Mr. Jones said Mr. Lawrence should advise the members and provide the necessary memorandum to begin the process. Ms. Mettlen replied that the current governance documents need to be dissolved and reconstituted to add Oconee County as a member. There is also a recommendation for the current OJRSA board to create a smaller committee to include Oconee County (another ad hoc committee) to keep things moving in the interim.

Mr. Jones said the committee should go through each recommendation and discuss them. They are as follows:

- ***Recommended that all the systems are to be combined into one system.***

Mr. Stilwell said he was confused on the timeline a bit. He asked if the legislation fails, what happens: Does the County get a spot on the board and everything moves forward as it is? Ms. Mettlen said it wouldn't continue as it is now; it would be a five (5)-member board with the County added.

Mr. Flynn said there is some strength in the delegation that could push this through, but it's a 50/50 shot. If the amendments happen: The board can do it the way it wants to with a full reconstitution with flexibility. If the amendments don't happen, the consolidation still needs to occur, and there needs to be skin in the game amongst the members as to what their responsibility is for maintaining their former collection infrastructure. At a minimum, the members need to be co-permittees on the NPDES permit so they are responsible for compliance. In addition, the governance documents will still need restructuring.

Mr. Stilwell says he feels like all the eggs are in the legislative basket, and he sees where the joint authority is empowered with enforcing authority against the members, and that's a terrible place to be. Mr. Flynn spoke about a discussion with Senator Alexander. Mr. Stilwell asked what legislative cycle this would be discussed in; Mr. Flynn said the next one that begins in January.

Mr. Stilwell asked when Oconee County would join, as he didn't see it on the timeline. Mr. Flynn said it doesn't make any sense to bring Oconee County in now as everything that has been put in place is going to change. The County will be introduced when the path forward has been determined with some sense of finality.

Ms. Mettlen stated that each entity should create a non-binding resolution (contingent upon the final terms and conditions of the transfer) showing support that they will pursue the consolidation of the collection systems.

Mr. Stilwell said the timeline allows 120 days for consultants to be engaged to analyze the collection systems and asked if that is a six (6)- month process and when the results would

come out. Mr. Mettlen replied it is probably longer than that; the 120 days assumes everyone would have to find financing and go through formal procurement for financial and technical evaluations, and it probably will take a year.

Mr. Flynn said there should be a consolidated entity that is making the decisions on rate and consolidation recommendations. A financial consultant, financial advisor, and an engineer may need to be procured. Ms. Mettlen said there is fifteen (15) months on the timeline for this.

Mr. Stilwell said, according to the timeline, it looks like the legislation is moving forward, the evaluations will be under process, and if the legislation passes next year, shortly thereafter we will see the valuations. Mr. Flynn and Ms. Mettlen agreed. Mr. Jones said accuracy and consistency is very important to compare apples to apples across the systems. Mr. Willett said that each agency cannot conduct its own valuation; it needs to have one party apply the same assumptions to all the entities. Mr. Jones added that, when this committee is done, there must be a commitment in good faith from all involved to see this through.

Mr. Eleazer said Mr. Traynham recently had a discussion with the SC Department of Environmental Services (DES) and asked Mr. Traynham to summarize what DES would expect of the OJRSA. Mr. Traynham stated that DES is not willing to engage in hypothetical situations but that DES will expect all permit holders with upstream users (industrial users or Satellite Sewer Systems) to have, and exercise, the authority to maintain compliance. In addition, the OJRSA will have to enforce requirements on the Member Cities under Satellite Sewer Systems.

Mr. Traynham also reported that DES told a story about the Environmental Protection Agency (EPA) intervening on a situation between DES and another entity that has a big industry with a non-compliance issue and EPA wants this industry to become a co-permittee on this entity's NPDES permit. Mr. Traynham said if the OJRSA is put in a situation where there is chronic non-compliance, and it cannot enforce appropriate local limits and requirements to maintain compliance, the OJRSA could face having co-permittees on its NPDES permit as well.

- ***Recommended that there be a five (5)-person board.***

Ms. Brock asked what a member is (regarding the second bullet: "Gubernatorial appointed commissioners cannot be current elected officials or current staff of any Authority member"). She asked that if there was discussion prior to this about Oconee County becoming a member, is the County included in the word "current"? Ms. Mettlen said it wasn't referring to current members but rather current staff or elected officials.

Ms. Brock stated (regarding the fifth bullet: "Terms of commissioners will be dictated by the revised Act and will generally be for 4 years") she felt the terms of the commissioners should be staggered. Mr. Flynn said they will be staggered; it's in the proposed legislation. He said there is a constitutional defect in the way the statute is currently written, because the appointed commissioners can be replaced by the members at any time at which there is a question around the appointment of members of serving a statutory time. The new regulations will have two (2)-year terms for members with a smaller number of customers and four (4)-year terms for members with more customers.

Mr. Willett asked if the member from Oconee County could be from within the Member Cities. Ms. Mettlen replied yes; it could be anyone from within the service area.

- ***Recommended that the governance documents be reconstituted and will supersede all existing documents.***

Ms. Mettlen said that the governance document drafting process will run concurrent with everything else going on.

- ***Recommended the current OJRSA board dissolve this Ad Hoc Committee and then establish a working group or smaller ad hoc committee ("Implementation Committee") to oversee and guide the implementation process.***

Mr. Bentley said that the Appalachian Council of Governments (ACOG) is currently an ex-officio member of this committee and is being recommended for the next one as well. He asked if all the Member Cities are good with that. There were no objections.

Ms. Brock asked to go back to the first recommendation regarding combining systems and all members being committed. She asked if it would be beneficial for everyone to get the resolutions done now so that the councils and the cities are behind this and know what the next steps are. Ms. Mettlen said it's on the timeline for within ninety (90) days. Mr. Jones said consistency on these resolutions would be great. Ms. Brock agreed and said that it would make sense to have them all worded consistently. She asked Mr. Flynn if he could assist with this. Mr. Flynn said he had no problem with creating a high-level template that could be put together before the meeting with the full committee. Ms. Brock added this would be good being there are November elections coming up.

- ***Recommended to develop a Communications Plan for the reorganization which would be used by all the entities involved and allow input from residents and customers of the Authority.***

Mr. Jones said this is the most critical thing to explain what's happening and why it's happening, the steps involved, and the expectations. Ms. Mettlen said this will be the role of the Implementation Committee.

Mr. Stilwell asked what is the Day 1 (kickoff day). Ms. Mettlen said the day after the board adopts/approves this.

Ms. Myers went back to the bullet about creating a smaller ad hoc committee and, in particular, where it mentioned only having two (2) representatives from the current board. She stated this could create a problem where only two (2) of the three (3) Member Cities are represented. She asked if this was going to be a problem. Ms. Mettlen said this was done to avoid having a quorum of the committee. After a little discussion, it was decided for the recommendation to be the current board OJRSA Chairman and Vice-Chairman who were elected by the whole board.

Ms. Brock made a motion, seconded by Mr. Parris, to include in the recommendation that the current board chair and current board vice chair serve on the new Ad Hoc Committee as the two (2) representatives of the current board.

There was no vote for this.

Mr. Jones said there is a statement on page 7 regarding the importance of moving forward with the recommendations for the long-term success of the Authority and asked if anyone had any comments on this. Ms. Schneider suggested that there needs to be a heading added on this paragraph, such as "Summary," to clarify that it is not part of the number 5 recommendation.

Mr. Jones said there is an "Implementation Timeline" and asked for any comments or concerns. Required updates to the Rural Infrastructure Authority (RIA) have been included in the timeline. Mr. Eleazer said he has already heard from Ms. Bonnie Ammons at the RIA asking for a copy of the report after this meeting today.

Mr. Stilwell said he had asked about Day 1 on the Exhibit A timeline, because he thinks the 120-Day limits will fall during the November election season. Ms. Amidon asked when the presentation will be made to the board. Mr. Eleazer said at the August board meeting. Ms. Mettlen said that will roll the 120-Day limit to January 2026.

Mr. Stilwell asked if the assessment of the collection systems will be funded jointly, or will each entity assess its own system. Ms. Mettlen said that there will have to be a discussion. She added that some funding agencies might be willing to fund it over the period of one or two years.

Mr. Eleazer asked what is meant by the evaluation of collection systems. Ms. Mettlen said that is the technical piece that reports what state the collection systems are in and is almost an asset assessment. Mr. Eleazer asked how in-depth is that recommendation going, as there is no way to put a camera or eyes on all the pipes in that timeframe. Will assumptions be made? Ms. Mettlen said, yes, assumptions will be made. She said there will be hands on and CCTV work on some of the pipe but not every foot of pipe. In addition, some assumptions can be made based on the condition of the pipe seen during recent rehab work. The objective is to find out, to the best of our ability, how much it will cost to upgrade the systems. Mr. Jones said it will be the work of the Implementation Committee to find out the scope of the work.

Mr. Stilwell said the last bullet in the Exhibit A timeline states, "and added as co-permittees under the NPDES permit." He said he isn't sure if this committee should recommend that. Ms. Mettlen said this would only come into play if consolidation doesn't happen, so she suggested adding clarifying language for that.

Ms. Amidon went back to Mr. Stilwell's question about when the 120-day time period would fall and said that 90 days would be before the election and the 120 days after the election. Mr. Stilwell asked if it is a risk that there is an election issue. Ms. Mettlen said the 90-day time period is for the resolution, and those will be pushed for sooner for that. Mr. Willett said that the recommendation for 90 days can be made, and the next committee can always accelerate it if they feel there is a problem.

Mr. Traynham left the meeting at 9:58 a.m.

Ms. Brock stated that the 15-month timeframe for the evaluation and valuation of the collection systems seems a short period of time. The bidding process is 30 days on its own. Ms. Schneider suggested that this just be a guideline and to give the Implementation Committee the ability to extend it if more time is needed. Ms. Mettlen stated this can be extended some, but it should not drag out. Ms. Myers asked if the 15 months started after the consultant is engaged. Ms. Mettlen said yes.

Mr. Eleazer asked if it was suggested that one (1) entity do this collectively. Ms. Mettlen said yes. Mr. Eleazer said Mr. Flynn spoke about procurement for this and then asked if the OJRSA board was paying for it. Mr. Flynn said yes unless there is RIA money available to push forward with implementation.

Mr. Flynn also suggested that keeping Willdan in to do the rate consulting makes the most sense, because they know the existing rate structure, the process, and the way things are set up. Trying to keep in step with the timeline, it makes the most sense to keep consultants that already understand the organization. Ms. Mettlen replied that there is a team selected by the board that can do this if everyone is agreeable.

Ms. Myers said she thinks Mr. Eleazer is thinking about the budget that was just approved by the board, and money for this evaluation was not included; Mr. Eleazer agreed. Ms. Mettlen said the intention is to ask the RIA for some funding and added that Ms. Ammons said the RIA would consider additional funding if things are going in the right direction. Ms. Mettlen said she will ask the RIA for funding after the recommendations are approved. Mr. Eleazer said the only way to do this is to have someone who is already on board do the work; otherwise, it would have to go through the solicitation process.

2. Review Proposed Implementation Ad Hoc Committee – Mr. Jones stated this committee is not going to get into who that is and when they would meet.

3. Committee Action Items – Ms. Mettlen asked if the committee wanted her to summarize the minor changes that will be made to the recommendation. Mr. Jones replied yes and said after that is done, the committee will vote on the recommendation.

Ms. Mettlen summarized the changes as follows:

- **Page 5 regarding the terms of commissioners** – Ms. Brock was asked if she was okay with the wording “dictated by the revised Act.” Ms. Brock was good with this.
- **Page 6, Item #4 regarding the members of the new “Implementation” Ad Hoc Committee** – On the first bullet, there will be an additional recommendation that the two (2) representatives of the current board will be the Chair and Vice Chair since they are elected by the whole board.
- **Page 7 Heading** – A new heading titled “Summary” will be added above the paragraph regarding the recommendations being vital to the long-term success of the Authority to distinguish this as separate from item #5 on the previous page.
- **Exhibit A** – There will be a statement added at the top saying the timeline begins upon the approval of the recommendations of the board.
- **For the 15-18 Month Bullets** – There will be a statement added stating “after consultant engagement.”
- **Exhibit 1** – The last sentence will have a clarifying statement: “If consolidation does not occur for any members that additionally all members shall be issued permits in compliance with the SUR and added as co-permittees under the NPDES permit.”

Ms. Schneider made a motion, seconded by Ms. Brock, to approve this recommendation as presented with the minor changes noted. The motion carried.

Mr. Jones asked what the next steps are for this committee and if it would be dissolved. Ms. Mettlen said the board will have to dissolve this committee. She added there was discussion about how this would be presented to the board and if the board wanted a formal presentation. Also, does Oconee County want to be invited or have its own presentation?

Ms. Brock said consistency is key and Oconee County should be presented the same way the OJRSA board does. Mr. Flynn said it could be done at a public meeting. Mr. Stilwell felt it should be done at a joint meeting. Ms. Brock replied it wasn't a matter of not wanting to; it takes months to get everyone scheduled for the same date.

Mr. Eleazer asked if this should be done at the August 4, 2025 board meeting. Ms. Brock asked if Oconee County could be invited, as that is long enough away that it could be doable. Mr. Stilwell asked about July's meeting; Mr. Eleazer said the meeting for July was cancelled. Mr. Flynn mentioned there is a Municipal Association conference at the end of July that will overlap onto the August board meeting date. Mr. Jones didn't think this should wait until August.

Mr. Eleazer said he would speak to the board chairman and see what his feelings were about having a called meeting sometime in July. Ms. Brock said Oconee County Council meets on July 15, 2025 and could move their meeting location to Tri County Technical College to accommodate the OJRSA board.

Mr. Jones said Mr. Eleazer and Ms. Brock can figure this out but suggested someone have a good communication piece ready for that meeting summarizing the work of this committee, the intent, and the purpose. Ms. Amidon added that the template for the resolution needs to be ready and asked Mr. Flynn what his timeline would be. Mr. Flynn replied he would try to get it done this week.

Mr. Stilwell left the meeting at 10:13 a.m.

- 4. Approval of Final Ad Hoc Committee Meeting Minutes** – Mr. Jones asked if this is on the agenda since the committee won't meet again. Ms. Mettlen said yes. Mr. Jones asked if remotely approving the minutes is allowed. Mr. Flynn replied that technically this would violate the Freedom of Information Act (FOIA), because the committee is a public body; however, being this committee doesn't have authority and is just a recommendation body, the committee members could approve a unanimous consent resolution endorsing the final minutes of the meeting and send that over to the OJRSA board to formally adopt. Mr. Flynn said once the minutes are produced, a high-level

approval resolution will be signed by every member of the committee via a scanned signature page and presented to the board.

Mr. Eleazer asked Mr. Flynn if the committee members have any changes to be made to the minutes, should they email the board secretary who will then make the corrections and email the minutes back to the committee? Mr. Flynn said yes; the minutes should be sent via blind copy email to the committee and any changes be emailed to the board secretary to correct.

Ms. Brock said if some members don't want to travel to another meeting, there is a quorum of local committee members that could have the meeting. Mr. Flynn said there could be a high-level electronic meeting as well to approve the minutes. It was agreed that Ms. Stephens would email out the minutes for approval.

E. Public Comment Following Committee Discussion and Action Items – Mr. Adams asked if Title 6, Chapter 25 of the Code of Laws of South Carolina 1976 was specific to the Sewer Authority of Oconee County or did it include other counties. He also asked once it gets to the state legislature, will other counties get pulled into it and muddy the water more than it is now? Mr. Flynn said this is a piece of general legislation under which all joint agencies are created, and it is called the "South Carolina Joint Utility Act." Anytime you open a piece of legislation, there is the risk that changes that were not contemplated could be made.

Ms. Mettlen added that the way Mr. Flynn drafted the amendments, it's not going to impede upon any other joint agency that is already established and the way they are doing their appointments for their governing bodies.

F. Special Recognition of Committee Members – Ms. Stephens stated the OJRSA board wanted to give recognition to the members of this Ad Hoc Committee for their hard work. Resolution #2025-03 was approved on June 2, 2025 to show appreciation to the committee. An original signed resolution as well as a gift card was given to all the members of the Committee except Mr. Eleazer and Ms. Stephens (being employees of the OJRSA) and Ms. Brock (who declined to accept the gift).

G. Comments from Committee Members – Mr. Willett thanked Mr. Jones for serving as chairman for this committee. Mr. Jones thanked the whole committee for their hard work, as well as Mr. Flynn, Ms. Mettlen, and Ms. Amidon.

H. Upcoming Meetings:

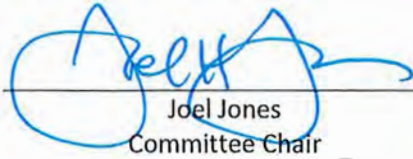
1. **Operations & Planning Committee** – *Cancelled due to lack of agenda items. Next meeting to be held on July 16, 2025 at 8:30 a.m.*
2. **Finance & Administration Committee** – *Check with OJRSA to see if June 24, 2025 meeting at 9:00 a.m. will be held (currently no agenda items).*
3. **Board of Commissioners** – *The July 7, 2025 board meeting has been cancelled.*
4. **Ad Hoc Sewer Feasibility Implementation Presentation** – *To be determined by the OJRSA Board.*

I. Adjourn - The meeting adjourned at 10:24 a.m.

Oconee Joint Regional Sewer Authority
June 16, 2025 Ad Hoc Sewer Feasibility Implementation Committee Meeting

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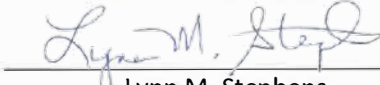
Approved By:


Joel Jones
Committee Chair

Date Approved:

7/1/25

Approved By:


Lynn M. Stephens
OJRSA Secretary/Treasurer

Notification of the meeting was distributed on May 9, 2025 to *Upstate Today*, *Anderson Independent-Mail*, *Westminster News*, *Keowee Courier*, WGOG Radio, WSNW Radio, City of Seneca Council, City of Walhalla Council, City of Westminster Council, Oconee County Council, SC DHEC, www.ojrsa.org, and posted at the OJRSA Administration Building.



Ad Hoc Sewer Feasibility Implementation Committee

OJRSA Operations & Administration Building

Lamar Bailes Board Room

June 16, 2025 at 9:00 AM

This advisory committee was established by the OJRSA Board of Commissioners at its November 4, 2024 meeting to consider recommendations and report to the OJRSA Board and Oconee County as identified in the [Regional Feasibility Planning Study](#) as adopted by the OJRSA on September 9, 2024. The committee can neither create policy nor make decisions on behalf of the OJRSA or other wastewater service providers within the area. See the study at www.ojrsa.org/info for more information.

OJRSA commission and committee meetings may be attended in person at the address listed above. The OJRSA will also broadcast meetings live on its YouTube channel at www.youtube.com/@OconeeJRSA (if there is a technical issue preventing the livestreaming of the meeting, then a recording will be published on the channel as soon as possible). For those not able to attend in person, then the OJRSA Board or Committee Chair will accept public comments by mail (623 Return Church Rd, Seneca, SC 29678) or at info@ojrsa.org. Comments must comply with the public session instructions as stated on the meeting agenda and will be received up until one hour prior to the scheduled meeting. If there is not a public session scheduled for a meeting, then comments shall not be accepted.

Agenda

- A. Call to Order** – Joel Jones, Committee Chair
- B. Public Comment** – Receive comments relating to topics that may or may not be on this agenda. Session is limited to a maximum of 30 minutes with no more than 5 minutes per speaker.
- C. Approval of Minutes**
 - Ad Hoc Sewer Feasibility Implementation Committee Meeting of May 8, 2025
- D. Committee Discussion and Action Items** – Joel Jones, Committee Chair, unless otherwise noted
 - 1. **Review Draft Recommendation for OJRSA Reorganization** – Review the revised draft reconstitution memo with the next steps outlined for reconstitution of the Joint System, conveyance of the Members' collection systems to the Joint Authority, and creation of.
 - 2. **Review Proposed Implementation Ad Hoc Committee** – Review proposal for separate Ad Hoc Committee or working group to oversee initial steps for implementing reorganization.
 - 3. **Committee Action Items** – Discussion among committee members regarding making final recommendations for steps forward towards reorganization, consolidation, and other matters relevant to this committee. This includes presentation(s) of recommendations to stakeholders (current OJRSA Board, etc.).
 - 4. **Approval of Final Ad Hoc Committee Meeting Minutes** – Recommended process for approving the meeting minutes – Lawrence Flynn, OJRSA Attorney
- E. Public Comment Following Committee Discussion and Action Items** – Session is limited to a maximum of 30 minutes with no more than 5 minutes per speaker.
- F. Special Recognition of Committee Members** – Lynn Stephens, OJRSA Board Secretary/Treasurer
- G. Comments from Committee Members** – Led by Joel Jones
- H. Upcoming Meetings** *All meetings to be held in the Lamar Bailes Board Room unless noted otherwise.*
 - 1. Operations & Planning Committee *Canceled due to lack of agenda items. The next scheduled meeting will be July 16, 2025 at 8:30 AM*
 - 2. Finance & Administration Committee *Check with OJRSA to see if the meeting planned for June 24, 2025 at 9:00 AM will be held. There are currently no agenda items scheduled.*

3. Board of Commissioners – August 4, 2025 at 4:00 PM *Note: The July 7, 2025 meeting has been canceled.*
4. Ad Hoc Sewer Feasibility Implementation Committee Presentation *To be determined by the OJRSA Board of Commissioners*

I. Adjourn



ORGANIZATION

City of Westminster



REGIONAL SEWER FEASIBILITY STUDY

OJRSA Ad Hoc Regional Feasibility Study Implementation Committee OJRSA Reorganization Recommendations

June 16, 2025

The OJRSA Regional Feasibility Planning Study ("Planning Study"), completed in August 2024 and adopted in September 2024, recommended establishing the Ad Hoc Regional Feasibility Study Implementation Committee ("Ad Hoc Committee"). The purpose of this committee was to review, discuss and evaluate the Planning Study's primary recommendations for a new governance structure for Oconee Joint Regional Sewer Authority ("Authority") and to provide independent recommendations for implementing this restructuring.

The Ad Hoc Committee was established by the Board of Commissioners, as the governing body of OJRSA ("Board"), in November 2024. The initial Ad Hoc Committee was staffed with 10 members, and one *ex officio* member as follows:

- Chip Bentley, *Ex Officio* Member
- Amanda Brock, Oconee County
- Chris Eleazer, OJRSA
- Joel Jones, Utility Expert (Environmental/Utility Compliance)
- Scott McLane, Seneca
- Celia Myers, Walhalla
- Scott Parris, Westminster
- Graham Rich, Utility Expert (Economic Development), *resigned*
- Sue Schneider, Utility Expert (Management)
- River Stillwell, Utility Legal Expert
- Scott Willett, Utility Expert (Finance)

The Planning Study suggested a six month timeline for the Ad Hoc Committee to review prior work and complete initial evaluations for recommendations that would be presented to the Board and Oconee County, as an entity recommended for addition to the Authority under the Planning Study.

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During the initial meeting, Graham Rich was elected Chair of the Ad Hoc Committee. Thereafter, Mr. Rich resigned due to personal reasons. The Ad Hoc Committee determined that they had an adequate number of utility experts with experience across all relevant areas, making a replacement unnecessary. Mr. Joel Jones, former CEO of Renewable Water Resources, was subsequently elected to serve as Chair moving forward, while the rest of the committee membership remained unchanged. Since December 2024, the Ad Hoc Committee has been convened monthly to advance this important process. All Ad Hoc Committee meetings were properly advertised and open to the public in accordance with the South Carolina Freedom of Information Act. The meetings of the Ad Hoc Committee were held on the dates noted below, and minutes from each such meeting are attached hereto for reference:

- December 2, 2024
- January 9, 2025
- February 13, 2025
- March 13, 2025
- April 10, 2025
- May 8, 2025
- June 16, 2025

The following information outlines the Ad Hoc Committee's five major recommendations to reorganize/reconstitute the Authority under the Joint Authority Water and Sewer Systems Act.

1. The collection systems of current Authority members and Oconee County should be consolidated into one combined system – owned, operated, and maintained by the reconstituted Authority.

- Timely evaluations (technical) and valuations (financial) of the collection systems, including debt, asset viability, and immediate capital, are essential to finalize the terms of the system transfers to the Authority. This step is crucial in the process and should be completed as soon as possible. *(NOTE: For the consolidation of the current collection systems into the reconstituted Authority, the Town of West Union should be included in this effort.)*
- It is recommended that all affected entities, to include the Board, the governing bodies of each member of the Authority (Walhalla, Westminster and Seneca), Oconee County Council, and the West Union Town Council, adopt a

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resolution expressing initial support for this consolidation effort. The resolutions can be non-binding and contingent upon the final terms and conditions of the transfers. However, it would demonstrate a unified approach and support for the overall process, potentially aiding in the acquisition of any future grant funding or other forms of financial support.

- A unified and equitable rate structure will be developed and deployed as a part of the governance documents of the reconstituted Authority. A timeline for developing and implementing this rate structure will be completed as soon as possible.
- If the consolidation of any or all collection systems does not progress in a timely manner, or at all, the Authority, in its current form, must issue individual permits to each entity that retains ownership of those systems. These permits will necessitate ongoing compliance with the Authority's Sewer Use Regulation ("SUR"), which is further mandated by the Authority's National Pollutant Discharge Elimination System ("NPDES") permit issued by the South Carolina Department of Environmental Services ("SCDES"). This action will empower the Authority to enforce the conditions of these permits as outlined in the SUR. Further, SCDES recently confirmed that the agency's expectation is that the Authority enforce its SUR for all upstream users as necessary to comply with the Authority's own NPDES permit. Any permits issued to the current member entities, Oconee County, and/or Town of West Union¹ would reflect this regulatory expectation, though the precise terms would be left to the Authority's discretion.

2. The Authority should be reconstituted with a five-member Board of Commissioners (the "New Board").

Based on the Joint Authority Water and Sewer Systems Act (SC Code Ann §§6-25-5, et. seq.) ("Act"), a "member of a joint system" is defined as "an authority that has

¹ Anecdotally, SCDES shared that it is presently dealing with a situation elsewhere in the state involving a wastewater utility with compliance difficulties linked to a single large upstream user. In that situation, EPA has recommended that SCDES make the utility and each satellite user a co-permittees on the upcoming renewal of the utilities' NPDES permit. Such action creates jointly and severally responsibility to the state and federal government for all noncompliance going forward. In the absence of the recommended consolidation or issuance of individual permits, it is possible regulators could impose such a co-permittee scenario on the Authority and all member entities in the future.

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taken the actions necessary to form or join the joint system.” Based on this definition, the members with representative interests on the New Board will be the City of Seneca, the City of Walhalla, the City of Westminster and Oconee County. Draft legislation has been proposed to amend the Act to permit new methods for appointing commissioners to a joint authority. Conversations with legislative leadership have been ongoing, and proposed changes to the Act are expected to be considered during the 2026 legislative session at the earliest.² A copy of the proposed legislative changes to the Act are attached to this recommendation report.

Assuming these changes are approved, the full appointment of the commissioners to the New Board will be made by the Governor of South Carolina, based upon the recommendations of the Oconee County Legislative Delegation (the “Delegation”).

The following bullets provide the basic guidelines for commissioner recommendations. These will be outlined in the governance documents for the reconstituted Authority:

- All commissioners must reside within the service territory of the member to whom they are appointed to represent and have a service contract for public sewer at the time of appointment and for the duration of their term. At least one commissioner of the New Board shall be appointed from the service area of each member of the joint authority (i.e. one from Westminster, Walhalla, Seneca, and Oconee County, respectively).
- Gubernatorial appointed commissioners cannot be current elected officials or current staff of any Authority member.
- Clarifying language will be included in the governance documents for the reconstituted Authority to address changes to the Authority’s service territory and the potential impact on the appointment of future Commissioners. In general, if areas outside Oconee County are served, such customers would be

² If the legislative changes fail or take longer to be approved, the current Authority governance documents could be dissolved by the current Board and member entities and new governance documents drafted. In such event, it is recommended that the reconstituted Authority be served by a five-member New Board and subject to the parameters outlined in the Committee’s Recommendation 2. This act is further predicated on unequivocal endorsement that all of the existing collection systems be consolidated into a single system.

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by contract and the New Board would not be expanded (*i.e., Anderson County*).

- Terms of commissioners will be dictated by the revised Act and will generally be for 4 years.
- Under this New Board structure and with collection system consolidation, all votes will be based on one vote per commissioner. All other voting protocols will be defined in the new governance documents.

If the proposed legislative amendments to the Act are not enacted, the New Board will not be recommended by the Delegation and appointed by the Governor but rather will continue under the current method of appointment whereby the members of the Authority appoint their respective representatives to the New Board. The following bullets provide the basic guidelines for Commissioner recommendations in the event the proposed legislative amendments are not adopted:

- For the New Board representation should be as follows:
 - City of Seneca – Recommendation for 1 commissioner;
 - City of Walhalla – Recommendation for 1 commissioner;
 - City of Westminster – Recommendation for 1 commissioner;
 - Oconee County – Recommendation for 1 commissioner; and
 - Recommendation for 1 at-Large commissioner to be agreed upon by Seneca, Walhalla, Westminster and Oconee County
- Best efforts should be undertaken to avoid the appointment of any commissioner that involves current staff of any member or any elected official. It is strongly encouraged that the bylaws of the New Board expressly prohibit any such *ex officio* or principal/agent service on the New Board.
- Clarifying language will be included in the governance documents for the reconstituted Authority to address changes to the Authority's service area and the potential impact on the appointment of future Commissioners. In general, if areas outside Oconee County are served, these would be by contract and the Board would not be expanded.

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- Consistent with the Act, commissioner to serve at discretion of the members.
 - Under this New Board structure and with collection system consolidation, all votes will be based on one vote per Commissioner. All other voting protocols will be defined in the new governance documents.
- 3. The governance documents of the reconstituted Authority will be drafted and supersede all existing Authority governance documents and contracts, which must be dissolved as a part of this process. These documents will also provide that the reconstituted Authority will have the power to provide retail sewer services within its service area as necessary to support the operation of the consolidated collection systems. This should be finalized upon completion of the consolidation but can be drafted during the consolidation process.**
- 4. The current Board will dissolve the current Ad Hoc Committee and then establish a working group or smaller ad hoc committee to oversee and guide the initial implementation steps outlined above (the “Implementation Committee”). The Implementation Committee is recommended to include:**
- No more than 2 representatives of the current Board.
 - 1 representative of OJRSA staff.
 - 1 representative of Oconee County.
 - 1 representative of the Appalachian Council of Governments (ACOG).
 - No more than 2 additional facilitators (non-voting) may also be recommended.
 - Independent legal counsel should also remain actively involved in all consolidation efforts to ensure compliance with all legal requirements.
- 5. It is recommended that a Communications Plan for the reorganization be developed, which should be used by all entities involved. This plan will ensure clear and consistent messaging while also allowing for input from residents and customers of the Authority. Maintaining an open process is crucial to maximize the chances of success in consolidating the collection systems and establishing the reconstituted Authority with the New Board.**

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The Ad Hoc Committee believes the foregoing recommendations to be vital to the long-term success of the Authority. In the absence of the implementation of these recommendations, the Authority runs the risk of significant regulatory compliance matters, lack of funding, and restrictions on growth and development of the County as a whole. As a plan to implement these recommendations, an implementation timeline is attached hereto as Exhibit A and incorporated herein by reference.

EXHIBIT A

IMPLEMENTATION TIMELINE

The following bullets provide a target schedule associated with completion of these initial recommendations:

- **Within 45 days**, the current Board will dissolve the current Ad Hoc Committee and establish the Implementation Committee for further implementation oversight.
- **On a quarterly basis**, the Implementation Committee will provide an update to the SC Rural Infrastructure Authority, the current Board and Oconee County on the progress of the implementation of these initial recommendations.
- **Within 45 days**, the legislative revisions to the Act will be finalized and provided to the Delegation. Consultation shall be made with the Delegation on whether lobbyist support will be needed.
- **Within 90 days**, resolutions of support for system consolidation/Authority reorganization will be provided to and adopted by each governing body affected by the recommendations, including the Board, Seneca City Council, Walhalla City Council, Westminster City Council, West Union Town Council, Oconee County Council).
- **Within 120 days**, consultants shall be engaged, and the process of collection system evaluation (technical) and valuation (financial) will be initiated, including identification of potential funding for this effort and immediate rehabilitation projects that may be identified or on current Capital Improvement Plans. Additionally, a rate consultant will be engaged.
- **Within 120 days**, a Communications Plan will be developed under the guidance of the Implementation Committee and provided to all entities involved.
- **Within 60 days of the approved changes to Act being approved (likely July/August 2026)**, the list of recommendations for the initial commissioners for the New Commission will be provided to the Delegation.
- **Within 15 months**, the evaluation and valuation of collection systems will be completed.
- **Within 18 months**, the determination of a timeline for developing a unified, equitable rate structure will be provided as a part of the initial terms for collection system consolidation.
- **Within 24 months**, legal documents to transfer collection system assets to the Authority will be executed, as well as all necessary reconstitution documents.

EXHIBIT 1

- **Within 25 months**, if the legislative amendments have not be approved, plans for consolidation under the amended Act will be abandoned. Thereupon, the Authority will proceed to consolidate the member system and implement the reconstitution under the existing Act, with such process to be finalized by no later than **36 months**. Additionally, all members shall be issued permits in compliance with the SUR and added as co-permittees under the NPDES permit.

ATTACHMENTS

- **Copies of Minutes of Ad Hoc Committee Meetings**
- **Draft of Proposed Amendments to the Act**

TO AMEND CERTAIN PROVISIONS OF TITLE 6, CHAPTER 25 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, TO AUTHORIZE CERTAIN CLARYIFYING AMENDMENTS REGARDING COMMISSIONERS, RECONSTITUTION, BOND APPROVAL AND DURATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 6-25-20 shall be amended to add the following defined terms:

§ 6-25-20. Definitions.

(14) "Legislative Delegation" means all members of the South Carolina Senate and South Carolina House representing any county where a joint system is located.

(15) "Governor" means the Governor of the State of South Carolina.

SECTION 2. Section 6-25-50 shall be amended and restated as follows:

§ 6-25-50. ~~Agreement as to number of commissioners each member may appoint;~~ Application filed with Secretary of State; corporate certificate.

(A) The governing bodies of the members of a joint system shall form an agreement specifying the number of commissioners ~~each member may appoint to a commission created to govern the joint system pursuant to Section 6-25-60.~~

(B) ~~Two or more commissioners~~ The proposed members of a joint system shall jointly file an application with the Secretary of State an application signed by the commissioner or each proposed member setting forth:

(1) ~~the names of~~ number of proposed members of the joint system, the number of proposed commissioners, and their respective appointed commissioners the method of appointment pursuant to Section 6-25-60(B);

(2) ~~(a) the~~ a ~~certified copy of a resolution of each member determining it is in its best interest to participate in the proposed joint system; and~~

~~(b) the resolution appointing the member's commissioner;~~

(3) the desire that the joint system be organized as a public body corporate and politic under this chapter;

(4) the name which is proposed for the joint system; and

(5) the purpose for creation of the joint system.

The Secretary of State shall file the application if after examining it and determining that it complies with the requirements in this section and that the proposed name of the joint system is not identical with that of any other corporation of the State or any agency or instrumentality or so nearly similar as to lead to confusion and uncertainty.

After the application has been filed, the Secretary of State shall issue a corporate certificate that must be filed with the application, and the joint system then must be constituted a public body corporate and politic under the name proposed in the application. The corporate certificate shall set forth ~~the names of all voting member and~~ the name of the joint system. There also must be stated upon the corporate certificate the purpose for which it has been created, as set forth in the application. Notice of the issuance of such corporate certificate must be given to all members of the joint system by the Secretary of State.

In any suit, action, or proceeding involving the validity or enforcement of, or relating to, contract of a joint system, the joint system in the absence of establishing fraud shall be conclusively

considered to have been established in accordance with the provisions of this chapter upon proof of the issuance of the certificate by the Secretary of State. A copy of the certificate, duly certified by the Secretary of State, is admissible in evidence in any suit, action, or proceeding and is conclusive proof of the filing and contents.

SECTION 3. Section 6-25-60 shall be amended and restated as follows:

§ 6-25-60. Joint system to be managed and controlled by commission; appointment of commissioners; oath; records; seal; quorum; vacancies; expenses.

(A) The management and control of a joint system is vested in a commission that may consist of no fewer than five members and no more than eleven members. A commissioner has one vote and may have additional votes as a majority of the members of the joint system determines. Notwithstanding the provisions of this subsection requiring the commission managing a joint system to have no fewer than five members and no more than eleven members, a joint system in existence on this section's effective date and having fewer than five members or more than eleven members on this section's effective date may continue to maintain the number of members serving on the section's effective date and may add additional members as its commissioners determine.

(B) As contemplated by the initial application to the Secretary of State, commissioners serving on the commission may be appointed under one of the following procedures:

(1) Appointment by member. The governing body of each voting member of a joint system shall appoint one or more a commissioner, ~~pursuant to Section 6-25-50(A),~~ to serve as a commissioner of the joint system. ~~A commissioner has one vote and may have additional votes as a majority of the members of the joint system determines.~~ A commissioner serves at the pleasure of the governing body by which he was appointed. A commissioner, before entering upon his duties, shall take and subscribe to an oath before a person authorized by law to administer oaths to execute the duties of his office faithfully and impartially, and a record of each oath must be filed with the governing body of the appointing authority.

~~Notwithstanding the provisions of this subsection requiring the commission managing a joint system to have no fewer than five members and no more than eleven members, a joint system in existence on this section's effective date and having fewer than five members or more than eleven members on this section's effective date may continue to maintain the number of members serving on the section's effective date and may add additional members as its commissioners determine.~~ Further, and notwithstanding the appointment requirements above, in the event there are an even number of members of a joint system (i.e. 4, 6, 8, 10), the project contract, bylaws or other similar agreement for the joint system may authorize one additional member of the commission; such additional commissioner shall be recommended by the legislative delegation from each county where the joint system is located, and upon receipt of such recommendation, such additional commissioner shall appointed by the Governor. Any gubernatorial appointment shall be for a term of four years and shall serve until a duly appointed successor is appointed and qualified. Any commissioner appointed by the Governor hereunder must reside within a household receiving utility services from the joint system or a member of the joint system. Any vacancy of such member must be filled for the remainder of the unexpired term in the same manner as the original appointment. If a new member of a joint system is added under the provisions hereof such that there becomes an odd number of members of a joint system, any gubernatorial appointed commissioner shall be deemed to automatically vacate his position as a commissioner as of the date of the admission of such new member of a joint system and their respective appointment of a new commissioner.

(2) Appointment by Governor. The commissioners may be appointed by the Governor in accordance with the following procedures:

(a) The Governor, based upon the recommendation of the legislative delegation from each county that the joint system operates, shall appoint each commissioner. Each appointed commissioner must reside within a household receiving utility services from the joint system or a member of the joint system. In making such appointments, there shall be at least one commissioner appointed by the Governor from the service area of each member of the joint system.

(b) Excepting the initial appointments as necessary to create a staggered commission which may be two or four years, respectively, each commissioner must be appointed and serve for a term of four years and until his successor is appointed and qualified, provided that the terms of the commissioners must be staggered such that approximately one-half of the total members appointed by the Governor must be appointed or reappointed every two years. A vacancy must be filled for the remainder of the unexpired term in the manner of the original appointment. Respecting the initial commission appointed herein, the minority portion of the staggered membership, representing those authorities with the lowest number of customers of the joint system, shall serve for an initial two-year term.

~~(B)~~ (C) The commissioners of the joint system shall annually, or biennially, if provided in the bylaws of the joint system, elect, with each commissioner having one vote, one of the commissioners as chairman, another as vice chairman, and other persons who may, but need not be commissioners, as treasurer, secretary and, if desired, assistant secretary. The office of treasurer may be held by the secretary or assistant secretary. The commission may also appoint such additional officers as it deems necessary. The secretary or assistant secretary of the joint system shall keep a record of the proceedings of the joint system, and the secretary must be the custodian of all books, records, documents, and papers filed with the joint system, the minute book or journal of the joint system, and its official seal.

~~(C)~~ (D) A majority of the commissioners of the joint system shall constitute a quorum. A vacancy on the commission of the joint system shall not impair the right of a quorum to exercise all rights and perform all the duties of a joint system. Any action taken by the joint system under the provisions of this chapter may be authorized by resolution at any regular or special meeting held pursuant to notice in accordance with bylaws of the joint system, and each resolution shall take effect immediately and need not be published or posted. Except as is otherwise provided in this chapter or in the bylaws of the joint system, a majority of the votes which the commissioners present are entitled to cast, with a quorum present, shall be necessary and sufficient to take any action or to pass any resolution. No commissioner of a joint system shall receive any compensation solely for the performance of duties as a commissioner, but each commissioner may be paid per diem, mileage, and subsistence expenses, as provided by law for state boards, committees, and commissions, incurred while engaged in the performance of such duties.

(E) All commissioners shall hold the qualifications of an elector.

(F) Commissioners appointed under subsection (B)(2) above may not be an officer or employee of a member of a joint system, and no commissioner shall be permitted to serve on an ex officio basis. Separately, for commissioners appointed under subsection (B)(1) above, the members of the joint system may include a restriction in the project contract, bylaws or other agreement for the joint system that no commissioner may be an officer or employee of a member of a joint system, and no commissioner shall be permitted to serve on an ex officio basis.

(G) Any commissioner appointed hereunder shall be deemed to forfeit his respective position if such person (1) lacks, at any time during his term of office, any qualifications for the office prescribed by general law and the Constitution, or (2) is convicted of any crime, other than civil infractions or misdemeanors for which no imprisonment is imposed.

SECTION 4. Section 6-25-70 shall be amended and restated as follows:

SECTION 6-25-70. Change in membership of joint system.

(A) After the creation of a joint system, any other authority may become a member of the joint system upon:

(1) adoption of a resolution or ordinance by the governing body complying with the requirements of Section 6-25-40 including publication of notice;

(2) submission of an application to the joint system; and

(3) approval of the application by resolution of the governing body of each member of the joint system except in the case of a joint system organized for the purpose of creating a financing pool, in which case the application must be approved by resolution of the commission.

(B) A member may withdraw from a joint system by resolution or ordinance of its governing body. A contractual right acquired or contractual obligation incurred by a member while it was a member remains in full force and effect after the member's withdrawal.

(C) Notice of a change in membership must be filed in the Office of the Secretary of State. No change is final until this filing occurs. The filing is not required if a joint system is organized only for the purpose of creating a financing pool.

(D) If a new member of the joint system is added hereunder, the approval documentation required under subsection (A)(3) above shall determine whether any new commissioners shall be added to the commission as necessary to support such new member of the joint system. If a new commissioner is added, either by the member of the joint system or the Governor, as applicable, each such commissioner shall be appointed immediately.

SECTION 5. Section 6-25-80 shall be amended and restated as follows:

§ 6-25-80. Dissolution of system.

Whenever the commission of a joint system and the governing body of each of its members shall by resolution or ordinance determine that the purposes for which the joint system was formed have been substantially fulfilled and that all bonds issued and all other obligations incurred by the joint system have been fully paid or satisfied, the commission and members may declare the joint system to be dissolved. On the effective date of the resolution or ordinance, the title to all funds and other income and property owned by the joint system at the time of dissolution must be disbursed to the voting members of the joint system according to its bylaws.

In the discretion of the members of a joint system for the proper and efficient operation of any joint system, an existing joint system may be reconstituted by following the procedures for the creation of a new joint system, mutatis mutandis.

SECTION 6. Section 6-25-110 shall be amended and restated as follows:

§ 6-25-110. Authorization to incur debt and issue bonds.

A joint system may incur debt for any of its purposes and may issue bonds pledging to the payment as to both principal and interest the revenues, or any portion, derived or to be derived from all or any of its projects and any additions and betterments or extensions or contributions or advances from its members or other sources of funds available to it. A joint system may not undertake a project required to be financed, in whole or in part, with the proceeds of bonds without the approval of the governing bodies of each member which is obligated or to be obligated under any contract for the payment of amounts to be pledged as security therefore and a favorable vote of two-thirds of all commissioners. Notwithstanding the foregoing, when a commission is

appointed under Section 6-25-60(B)(2), no separate approval of the governing bodies of each member shall be required for the issuance of any bonds, and such bonds shall be authorized and approved by a simple majority of the commissioners. Any project may be preauthorized, preapproved or otherwise permitted under the terms of the project contract for the joint system, and such authority, approval or permission shall constitute all necessary approval of the respective governing bodies of each member herein. A joint system formed only for the purpose of creating a financing pool may issue notes in anticipation of the issuance of bonds by its members to the government.

SECTION 7. Section 6-25-128 shall be amended and restated as follows:

§ 6-25-128. Contracts between authority and joint system; duration.

An authority may contract to buy from the joint system water required for its present or future requirements, including the capacity and output, or a portion or share of one or more specified projects. An authority also may contract for the collection or treatment of wastewater, including present or future capacity, or a portion or share of another project. The creation of a joint system is an alternative method whereby an authority may obtain the benefits and assume the responsibilities of ownership in a project, so a contract may provide that the authority forming the contract is obligated to make a payment required by the contract whether or not a project is completed, operable, or operating notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the water contracted for, and that the payments under the contract are not subject to reduction, whether by offset or otherwise, and are not conditioned upon the performance or nonperformance of the joint system or any other member of the joint system under the contract or any other instrument. A contract with respect to the sale or purchase of capacity or output, or a portion or share of them, of a project entered into between a joint system and its member authorities also may provide that if an authority or authorities default in the payment of its or their obligations with respect to the purchase of the capacity or output, or a portion or share of them, in that event the remaining member authorities which are purchasing capacity and output under the contract are required to accept and pay for and are entitled proportionately to and may use or otherwise dispose of the capacity or output which was to be purchased by the defaulting authority.

A contract concerning the sale or purchase of capacity and output from a project may extend for a period not exceeding fifty years from the date of the contract and may be renewable and extended upon terms as the parties may agree for not exceeding an additional fifty years; and the execution and effectiveness is not subject to any authorizations or approvals by the State or any agency, commission, or instrumentality or political subdivision of them. Additionally, the contract may further provide that bonds or other indebtedness of the joint system may exceed the term of an initial or existing contract between or among the joint system and the respective members of the joint system, and in such event the contract, or at least the payment obligations of each member, shall be automatically extended to a period commensurate with the term of the bonds or other indebtedness.

Payments by an authority under a contract for the purchase of capacity and output from a joint system may be made from the revenues derived from the ownership and operation of the water system of the authority or from such other sources of funds as may be available, including any amounts received as payments in lieu of taxes. An authority may not pledge its full faith, credit, and taxing power to secure its obligations to the joint system or the bonds of the joint system. An authority is obligated to fix, charge, and collect rents, rates, fees, and charges for water or sewer services, facilities, and commodities sold, furnished, or supplied through its water or sewer system sufficient to provide revenues adequate to meet its obligations under any contract and to pay any

and all other amounts payable from or constituting a charge and lien upon the revenues, including amounts sufficient to pay the principal of and interest on general obligation bonds, if any, heretofore or hereafter issued by the authority for purposes related to its water or sewer system.

An authority that is a member of a joint system may furnish the joint system with money derived from the ownership and operation of its water or sewer system or facilities and provide the joint system with personnel, equipment, and property, both real and personal, and from any other sources legally available to it for such purposes. An authority also may provide services to a joint system.

A member of a joint system may contract for, advance, or contribute funds derived from the ownership and operation of its water or sewer system or facilities or from another legal source to a joint system as agreed upon by the joint system and the member, and the joint system shall repay the advances or contributions from the proceeds of bonds, operating revenue, or other funds of the joint system, together with interest as agreed upon by the member and the joint system.

SECTION 8. This act takes effect upon approval by the Governor.

TO AMEND CERTAIN PROVISIONS OF TITLE 6, CHAPTER 25 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, TO AUTHORIZE CERTAIN CLARYIFYING AMENDMENTS REGARDING COMMISSIONERS, RECONSTITUTION, BOND APPROVAL AND DURATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 6-25-20 shall be amended to add the following defined terms:

§ 6-25-20. Definitions.

(14) "Legislative Delegation" means all members of the South Carolina Senate and South Carolina House representing any county where a joint system is located.

(15) "Governor" means the Governor of the State of South Carolina.

SECTION 2. Section 6-25-50 shall be amended and restated as follows:

§ 6-25-50. ~~Agreement as to number of commissioners each member may appoint;~~ Application filed with Secretary of State; corporate certificate.

(A) The governing bodies of the members of a joint system shall form an agreement specifying the number of commissioners ~~each member may appoint to a commission created to govern the joint system pursuant to Section 6-25-60.~~

(B) ~~Two or more commissioners~~ The proposed members of a joint system shall jointly file an application with the Secretary of State ~~an application signed by the commissioner or each proposed member setting forth:~~

(1) ~~the names of~~ number of proposed members of the joint svstem, the number of proposed commissioners, and ~~their respective appointed commissioners~~ the method of appointment pursuant to Section 6-25-60(B);

(2) ~~(a) the a~~ a certified copy of a resolution of each member determining it is in its best interest to participate in the proposed joint system; ~~and~~

~~(b) the resolution appointing the member's commissioner;~~

(3) the desire that the joint system be organized as a public body corporate and politic under this chapter;

(4) the name which is proposed for the joint system; and

(5) the purpose for creation of the joint system.

The Secretary of State shall file the application if after examining it and determining that it complies with the requirements in this section and that the proposed name of the joint system is not identical with that of any other corporation of the State or any agency or instrumentality or so nearly similar as to lead to confusion and uncertainty.

After the application has been filed, the Secretary of State shall issue a corporate certificate that must be filed with the application, and the joint system then must be constituted a public body corporate and politic under the name proposed in the application. The corporate certificate shall set forth ~~the names of all voting member and~~ the name of the joint system. There also must be stated upon the corporate certificate the purpose for which it has been created, as set forth in the application. Notice of the issuance of such corporate certificate must be given to all members of the joint system by the Secretary of State.

In any suit, action, or proceeding involving the validity or enforcement of, or relating to, contract of a joint system, the joint system in the absence of establishing fraud shall be

conclusively considered to have been established in accordance with the provisions of this chapter upon proof of the issuance of the certificate by the Secretary of State. A copy of the certificate, duly certified by the Secretary of State, is admissible in evidence in any suit, action, or proceeding and is conclusive proof of the filing and contents.

SECTION 3. Section 6-25-60 shall be amended and restated as follows:

§ 6-25-60. Joint system to be managed and controlled by commission; appointment of commissioners; oath; records; seal; quorum; vacancies; expenses.

(A) The management and control of a joint system is vested in a commission that may consist of no fewer than five members and no more than eleven members. A commissioner has one vote and may have additional votes as a majority of the members of the joint system determines. Notwithstanding the provisions of this subsection requiring the commission managing a joint system to have no fewer than five members and no more than eleven members, a joint system in existence on this section's effective date and having fewer than five members or more than eleven members on this section's effective date may continue to maintain the number of members serving on the section's effective date and may add additional members as its commissioners determine.

(B) As contemplated by the initial application to the Secretary of State, commissioners serving on the commission may be appointed under one of the following procedures:

(1) Appointment by member. The governing body of each voting member of a joint system shall appoint one or more a commissioner, pursuant to Section 6-25-50(A), to serve as a commissioner of the joint system. ~~A commissioner has one vote and may have additional votes as a majority of the members of the joint system determines.~~ A commissioner serves at the pleasure of the governing body by which he was appointed. A commissioner, before entering upon his duties, shall take and subscribe to an oath before a person authorized by law to administer oaths to execute the duties of his office faithfully and impartially, and a record of each oath must be filed with the governing body of the appointing authority.

~~Notwithstanding the provisions of this subsection requiring the commission managing a joint system to have no fewer than five members and no more than eleven members, a joint system in existence on this section's effective date and having fewer than five members or more than eleven members on this section's effective date may continue to maintain the number of members serving on the section's effective date and may add additional members as its commissioners determine.~~ Further, and notwithstanding the appointment requirements above, in the event there are an even number of members of a joint system (i.e. 4, 6, 8, 10), the project contract, bvlaws or other similar agreement for the joint system may authorize one additional member of the commission; such additional member of the commission shall be recommended by the legislative delegation from each county where the joint system is located, and upon receipt of such recommendation, such additional member shall be appointed by the Governor. Any gubernatorial appointment shall be for a term of four years and shall serve until a duly appointed successor is appointed and qualified. Any commissioner appointed by the Governor hereunder must reside within a household receiving utility services from the joint system or a member of the joint system. Any vacancy of such member must be filled for the remainder of the unexpired term in the same manner as the original appointment. If a new member of a joint system is added under the provisions hereof such that there becomes an odd number of members of a joint system, any gubernatorial appointed commissioner shall be deemed to automatically vacate his position as a commissioner as of the date of the admission of such new member of a joint system and their respective appointment of a new commissioner.

(2) Appointment by Governor. The commissioners may be appointed by the Governor in accordance with the following procedures:

~~(a) The total number of customers served by the joint system (including customers served by members of the joint system) must be divided by the total number of commission seats, the result being an apportionate average.~~

~~(b) The respective number of customers of each member of the joint system must be divided by the apportionate average to determine an appointive index.~~

~~(ea) The Governor, based upon the recommendation of the legislative delegation from each county that the joint system operates, shall appoint a number of commissioners to the commission from each commissioner. Each appointed commissioner must reside within a household receiving utility services from the joint system or a member of the joint system equal to the whole number indicated by its appointive index. If by this method there are insufficient members appointed to complete the commission, an appointive index closest to the next highest whole number shall be authorized to have an additional commissioner. Further, and notwithstanding the appointive index. In making such appointments, there shall be at least one commissioner appointed by the Governor from the service area of each member of the joint system.~~

~~(ab) Excepting the initial appointments as necessary to create a staggered commission which may be two or four years, respectively, each commissioner must be appointed and serve for a term of four years and until his successor is appointed and qualified, provided that the terms of the commissioners must be staggered such that approximately one-half of the total members appointed by the Governor must be appointed or reappointed every two years. A vacancy must be filled for the remainder of the unexpired term in the manner of the original appointment. Respecting the initial commission appointed herein, the minority portion of the staggered membership, representing those members/authorities with the lowest appointive index/number of customers of the joint system, shall serve for an initial two-year term.~~

~~(B)~~ (C) The commissioners of the joint system shall annually, or biennially, if provided in the bylaws of the joint system, elect, with each commissioner having one vote, one of the commissioners as chairman, another as vice chairman, and other persons who may, but need not be commissioners, as treasurer, secretary and, if desired, assistant secretary. The office of treasurer may be held by the secretary or assistant secretary. The commission may also appoint such additional officers as it deems necessary. The secretary or assistant secretary of the joint system shall keep a record of the proceedings of the joint system, and the secretary must be the custodian of all books, records, documents, and papers filed with the joint system, the minute book or journal of the joint system, and its official seal.

~~(C)~~ (D) A majority of the commissioners of the joint system shall constitute a quorum. A vacancy on the commission of the joint system shall not impair the right of a quorum to exercise all rights and perform all the duties of a joint system. Any action taken by the joint system under the provisions of this chapter may be authorized by resolution at any regular or special meeting held pursuant to notice in accordance with bylaws of the joint system, and each resolution shall take effect immediately and need not be published or posted. Except as is otherwise provided in this chapter or in the bylaws of the joint system, a majority of the votes which the commissioners present are entitled to cast, with a quorum present, shall be necessary and sufficient to take any action or to pass any resolution. No commissioner of a joint system shall receive any compensation solely for the performance of duties as a commissioner, but each commissioner may be paid per diem, mileage, and subsistence expenses, as provided by law for state boards, committees, and commissions, incurred while engaged in the performance of such duties.

~~(E) All commissioners shall hold the qualifications of an elector. In the case of a gubernatorial appointment, such appointee must be a qualified elector residing within the area served by the joint system.~~

(F) Commissioners appointed under subsection (B)(2) above may not be an officer or employee of a member of a joint system, and no commissioner shall be permitted to serve on an ex officio basis. Separately, for commissioners appointed under subsection (B)(1) above, the members of the joint system may include a restriction in the project contract, bylaws or other agreement for the joint system that no commissioner may be an officer or employee of a member of a joint system, and no commissioner shall be permitted to serve on an ex officio basis.

(G) Any commissioner appointed hereunder shall be deemed to forfeit his respective position if such person (1) lacks, at any time during his term of office, any qualifications for the office prescribed by general law and the Constitution, or (2) is convicted of any crime, other than civil infractions or misdemeanors for which no imprisonment is imposed.

SECTION 4. Section 6-25-70 shall be amended and restated as follows:

SECTION 6-25-70. Change in membership of joint system.

(A) After the creation of a joint system, any other authority may become a member of the joint system upon:

(1) adoption of a resolution or ordinance by the governing body complying with the requirements of Section 6-25-40 including publication of notice;

(2) submission of an application to the joint system; and

(3) approval of the application by resolution of the governing body of each member of the joint system except in the case of a joint system organized for the purpose of creating a financing pool, in which case the application must be approved by resolution of the commission.

(B) A member may withdraw from a joint system by resolution or ordinance of its governing body. A contractual right acquired or contractual obligation incurred by a member while it was a member remains in full force and effect after the member's withdrawal.

(C) Notice of a change in membership must be filed in the Office of the Secretary of State. No change is final until this filing occurs. The filing is not required if a joint system is organized only for the purpose of creating a financing pool.

(D) If a new member of the joint system is added hereunder, the approval documentation required under subsection (A)(3) above shall determine whether any new commissioners shall be added to the commission as necessary to support such new member of the joint system. If a new commissioner is added, —either by the member of the joint system or the Governor, as applicable, each such commissioner shall be appointed immediately.

SECTION 5. Section 6-25-80 shall be amended and restated as follows:

§ 6-25-80. Dissolution of system.

Whenever the commission of a joint system and the governing body of each of its members shall by resolution or ordinance determine that the purposes for which the joint system was formed have been substantially fulfilled and that all bonds issued and all other obligations incurred by the joint system have been fully paid or satisfied, the commission and members may declare the joint system to be dissolved. On the effective date of the resolution or ordinance, the title to all funds and other income and property owned by the joint system at the time of dissolution must be disbursed to the voting members of the joint system according to its bylaws.

In the discretion of the members of a joint system for the proper and efficient operation of any joint system, an existing joint system may be reconstituted by following the procedures for the creation of a new joint system, mutatis mutandis.

SECTION 6. Section 6-25-110 shall be amended and restated as follows:

§ 6-25-110. Authorization to incur debt and issue bonds.

A joint system may incur debt for any of its purposes and may issue bonds pledging to the payment as to both principal and interest the revenues, or any portion, derived or to be derived from all or any of its projects and any additions and betterments or extensions or contributions or advances from its members or other sources of funds available to it. A joint system may not undertake a project required to be financed, in whole or in part, with the proceeds of bonds without the approval of the governing bodies of each member which is obligated or to be obligated under any contract for the payment of amounts to be pledged as security therefore and a favorable vote of two-thirds of all commissioners. Notwithstanding the foregoing, when a commission is appointed under Section 6-25-60(B)(2), no separate approval of the governing bodies of each member shall be required for the issuance of any bonds, and such bonds shall be authorized and approved by a simple majority of the commissioners. Any project may be preauthorized, preapproved or otherwise permitted under the terms of the project contract for the joint system, and such authority, approval or permission shall constitute all necessary approval of the respective governing bodies of each member herein. A joint system formed only for the purpose of creating a financing pool may issue notes in anticipation of the issuance of bonds by its members to the government.

SECTION 7. Section 6-25-128 shall be amended and restated as follows:

§ 6-25-128. Contracts between authority and joint system; duration.

An authority may contract to buy from the joint system water required for its present or future requirements, including the capacity and output, or a portion or share of one or more specified projects. An authority also may contract for the collection or treatment of wastewater, including present or future capacity, or a portion or share of another project. The creation of a joint system is an alternative method whereby an authority may obtain the benefits and assume the responsibilities of ownership in a project, so a contract may provide that the authority forming the contract is obligated to make a payment required by the contract whether or not a project is completed, operable, or operating notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the water contracted for, and that the payments under the contract are not subject to reduction, whether by offset or otherwise, and are not conditioned upon the performance or nonperformance of the joint system or any other member of the joint system under the contract or any other instrument. A contract with respect to the sale or purchase of capacity or output, or a portion or share of them, of a project entered into between a joint system and its member authorities also may provide that if an authority or authorities default in the payment of its or their obligations with respect to the purchase of the capacity or output, or a portion or share of them, in that event the remaining member authorities which are purchasing capacity and output under the contract are required to accept and pay for and are entitled proportionately to and may use or otherwise dispose of the capacity or output which was to be purchased by the defaulting authority.

A contract concerning the sale or purchase of capacity and output from a project may extend for a period not exceeding fifty years from the date of the contract and may be renewable and extended upon terms as the parties may agree for not exceeding an additional fifty years; and the

execution and effectiveness is not subject to any authorizations or approvals by the State or any agency, commission, or instrumentality or political subdivision of them. Additionally, the contract may further provide that bonds or other indebtedness of the joint system may exceed the term of an initial or existing contract between or among the joint system and the respective members of the joint system, and in such event the contract, or at least the payment obligations of each member, shall be automatically extended to a period commensurate with the term of the bonds or other indebtedness.

Payments by an authority under a contract for the purchase of capacity and output from a joint system may be made from the revenues derived from the ownership and operation of the water system of the authority or from such other sources of funds as may be available, including any amounts received as payments in lieu of taxes. An authority may not pledge its full faith, credit, and taxing power to secure its obligations to the joint system or the bonds of the joint system. An authority is obligated to fix, charge, and collect rents, rates, fees, and charges for water or sewer services, facilities, and commodities sold, furnished, or supplied through its water or sewer system sufficient to provide revenues adequate to meet its obligations under any contract and to pay any and all other amounts payable from or constituting a charge and lien upon the revenues, including amounts sufficient to pay the principal of and interest on general obligation bonds, if any, heretofore or hereafter issued by the authority for purposes related to its water or sewer system.

An authority that is a member of a joint system may furnish the joint system with money derived from the ownership and operation of its water or sewer system or facilities and provide the joint system with personnel, equipment, and property, both real and personal, and from any other sources legally available to it for such purposes. An authority also may provide services to a joint system.

A member of a joint system may contract for, advance, or contribute funds derived from the ownership and operation of its water or sewer system or facilities or from another legal source to a joint system as agreed upon by the joint system and the member, and the joint system shall repay the advances or contributions from the proceeds of bonds, operating revenue, or other funds of the joint system, together with interest as agreed upon by the member and the joint system.

SECTION 8. This act takes effect upon approval by the Governor.

Summary report: Litera Compare for Word 11.10.0.38 Document comparison done on 6/11/2025 6:45:02 AM	
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Intelligent Table Comparison: Active	
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Modified DMS: nd://4921-7418-3472/3/Legislation - Title 6 Chapter 25 (Revised).doc	
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Delete	13
Move From	0
Move To	0
Table Insert	0
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	24



RESOLUTION 2025-03

Appreciation for the OJRSA Ad Hoc Sewer Feasibility Implementation Committee

A RESOLUTION EXPRESSING GRATITUDE TO THE MEMBERS OF THE AD HOC SEWER FEASIBILITY IMPLEMENTATION COMMITTEE AND VARIOUS PROFESSIONAL CONSULTANTS AND ADVISORS FOR THEIR WORK TOWARD THE PLANNED RECONSTITUTION OF THE OCONEE JOINT REGIONAL SEWER AUTHORITY.

WHEREAS, the Oconee Joint Regional Sewer Authority, South Carolina (the “Authority”) was created in 2007 by the Cities of Seneca, Walhalla, and Westminster under the South Carolina Joint Authority Water and Sewer Systems Act to manage and facilitate regional wastewater services within Oconee County; and

WHEREAS, the Authority recognizes the importance of continuously evaluating its governance structure, operational capabilities, and long-term sustainability to ensure the efficient delivery of services to its member municipalities and their citizens; and

WHEREAS, the Ad-Hoc Sewer Feasibility Implementation Committee (the “Committee”) was formed to provide thoughtful and expert guidance on the reconstitution of the Authority, with the goal of enhancing regional coordination, governance, and service delivery; and

WHEREAS, the Committee, consisting of Joel Jones, Graham Rich, Amanda Brock, Chris Eleazer, Scott McLane, Celia Myers, Scott Parris, Sue Schneider, Rivers Stilwell, and Scott Willett, worked diligently and collaboratively over an extended period, contributing their knowledge, experience, and vision to this vital effort; and

WHEREAS, the Committee was ably supported and advised by representatives from the Appalachian Council of Governments (Chip Bentley), WK Dickson & Co., Inc. (Angie Mettlen), Bolton & Menk, Inc. (Katherine Amidon), and Pope Flynn, LLC (Lawrence Flynn), whose technical, planning, and legal expertise proved invaluable; and

WHEREAS, the Authority deeply appreciates the Committee’s and advisors’ contributions and acknowledges that the future success of the Authority will be directly attributable to the dedication, hard work, and professionalism of this team; and

WHEREAS, the Authority intends to fully utilize the work product of the Committee as it embarks upon the next phase of the reconstitution process - the successful implementation of the recommendations and strategies identified in the Committee’s report.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Oconee Joint Regional Sewer Authority, as follows:

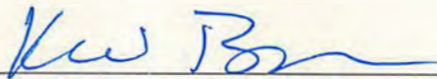
1. The Authority hereby expresses its sincere and profound gratitude to each member of the Committee and their supporting advisors for their extraordinary service, expertise, and commitment to the future of regional wastewater management in Oconee County.
2. The Authority affirms its intention to carry forward the work of the Committee by undertaking the implementation of the report’s recommendations, and remains committed to transparency, collaboration, and effectiveness as it enters this new chapter.

RESOLUTION 2025-03 Appreciation for the OJRSA Ad Hoc Sewer
Feasibility Implementation Committee
June 2, 2025

Page 2 of 2

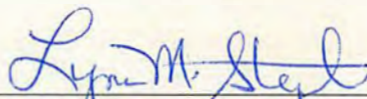
3. A copy of this Resolution shall be provided to each member and advisor in recognition of their essential role in supporting the continued advancement of the Authority's mission.

Done and adopted by the Oconee Joint Regional Sewer Authority Board of Commissioners, Seneca, South Carolina on this 2nd day of June 2025.



Kevin Bronson, Chairman
OJRSA Board of Commissioners

Attest:



Lynn Stephens, Secretary/Treasurer
OJRSA Board of Commissioners -and-
OJRSA Office Manager

<seal>



Secretary/Treasurer's Report for Board of Commissioners

Prepared for the August 4, 2025 OJRSA Board of Commissioners Meeting

Cash and investment information stated herein come from bank and other financial records as of: July 31, 2025

UNRESTRICTED FUNDS CASH AND INVESTMENTS SUMMARY

Account/Fund Name	Cash (\$)	Investments (\$)	Total (\$)
Wholesale Operations & Maintenance (O&M)	388,362	2,450,000	2,838,362
Retail Operations & Maintenance (RO&M)	3,362,956	245,000	3,607,956
TOTAL UNRESTRICTED FUNDS	3,751,318	2,695,000	6,446,318

RESTRICTED FUNDS CASH AND INVESTMENTS SUMMARY

Account/Fund Name	Cash (\$)	Investments (\$)	Total (\$)
Projects and Contingency (PCF)	895,742	0	895,742
Wholesale Impact Fund (WIF)	697,674	5,327,000	6,024,674
Retail Impact Fund (RIF)	3,400	0	3,400
TOTAL RESTRICTED FUNDS	1,596,816	5,327,000	6,923,816

Combined Total for All Funds

Cash **5,348,134**

Investments **8,022,000**

Combined **13,370,134**

Account Notes:

DAYS CASH ON HAND

Financial & Accounting Policy Section 2.10(H) states the minimum balances established for OJRSA Wholesale O&M and Retail O&M funds are 120 Days Operating Cash on Hand.

$$\text{Formula for Cash on Hand} = \frac{\text{Cash} + \text{Cash Equivalents}}{(\text{Annual Operating Expense} - \text{Depreciation}) \div 365 \text{ Days}}$$

	Cash on Hand (Days)	Annual Operating Expense minus Depreciation (\$)	Budget Amended During Fiscal Year?
O&M Fund	155.6	6,657,488	X NO YES
RO&M Fund	98.3	13,390,177	X NO YES

INDEPENDENT RECONCILIATION OF ACCOUNTS

All transactions for all funds have been satisfactorily reconciled by an independent accounting firm for the month of June 2025 (mark with an "X" on appropriate line): X YES NO See attached document(s) from accountant.

Reconciliation Notes:

Reconciliation letters for May and June 2025 e-mailed to board members on 7/16/25.

See next page for more information

INVESTMENTS UPDATE

Maturing Investment	%age Rate	Fund Code	Maturity Date	Amount (\$)	To Be Reinvested?	
DMB Community Bank	4.5	WIF	8/7/2025	245,000.00	X YES	NO
Valley National Bank	4.85	ROM	8/21/2025	245,000.00	X YES	NO
Transportation Alliance Bank	4.75	WIF	8/25/2025	245,000.00	X YES	NO
EverBank	4.15	WIF	8/27/2025	245,000.00	X YES	NO
					YES	NO
					YES	NO
					YES	NO
					YES	NO
					YES	NO
					YES	NO
					YES	NO
					YES	NO
					YES	NO

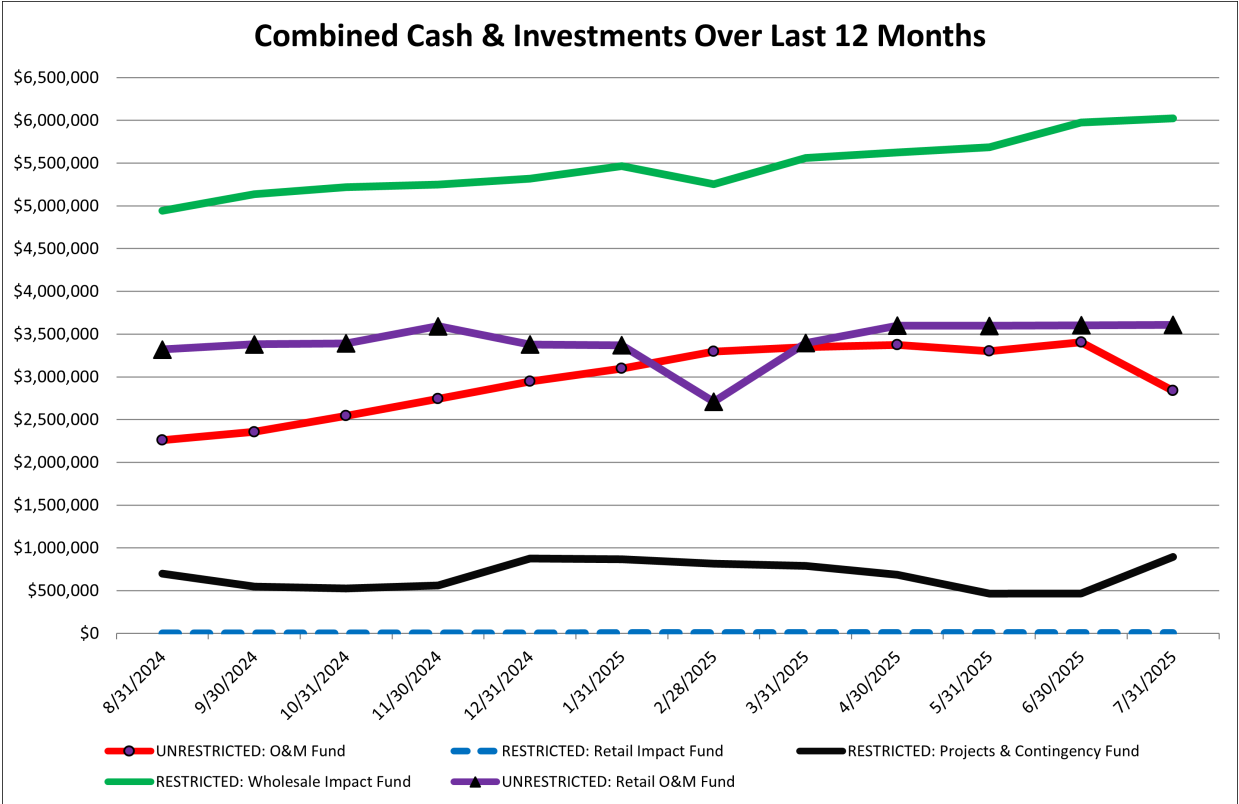
Investment Notes:

See additional sheets for investment information and trends

By my signature, to the best of my knowledge, I certify this report is accurate.

Lynn Stephens

OJRSA Secretary/Treasurer





REGIONAL SEWER FEASIBILITY STUDY

OJRSA Ad Hoc Regional Feasibility Study Implementation Committee OJRSA Reorganization Recommendations

June 16, 2025

The OJRSA Regional Feasibility Planning Study (“Planning Study”), completed in August 2024 and adopted in September 2024, recommended establishing the Ad Hoc Regional Feasibility Study Implementation Committee (“Ad Hoc Committee”). The purpose of this committee was to review, discuss and evaluate the Planning Study’s primary recommendations for a new governance structure for Oconee Joint Regional Sewer Authority (“Authority”) and to provide independent recommendations for implementing this restructuring.

The Ad Hoc Committee was established by the Board of Commissioners, as the governing body of OJRSA (“Board”), in November 2024. The initial Ad Hoc Committee was staffed with 10 members, and one *ex officio* member as follows:

- Chip Bentley, *Ex Officio* Member
- Amanda Brock, Oconee County
- Chris Eleazer, OJRSA
- Joel Jones, Utility Expert (Environmental/Utility Compliance)
- Scott McLane, Seneca
- Celia Myers, Walhalla
- Scott Parris, Westminster
- Graham Rich, Utility Expert (Economic Development), *resigned*
- Sue Schneider, Utility Expert (Management)
- River Stillwell, Utility Legal Expert
- Scott Willett, Utility Expert (Finance)

The Planning Study suggested a six month timeline for the Ad Hoc Committee to review prior work and complete initial evaluations for recommendations that would be presented to the Board and Oconee County, as an entity recommended for addition to the Authority under the Planning Study.

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During the initial meeting, Graham Rich was elected Chair of the Ad Hoc Committee. Thereafter, Mr. Rich resigned due to personal reasons. The Ad Hoc Committee determined that they had an adequate number of utility experts with experience across all relevant areas, making a replacement unnecessary. Mr. Joel Jones, former CEO of Renewable Water Resources, was subsequently elected to serve as Chair moving forward, while the rest of the committee membership remained unchanged. Since December 2024, the Ad Hoc Committee has been convened monthly to advance this important process. All Ad Hoc Committee meetings were properly advertised and open to the public in accordance with the South Carolina Freedom of Information Act. The meetings of the Ad Hoc Committee were held on the dates noted below, and minutes from each such meeting are attached hereto for reference:

- December 2, 2024
- January 9, 2025
- February 13, 2025
- March 13, 2025
- April 10, 2025
- May 8, 2025
- June 16, 2025

The following information outlines the Ad Hoc Committee's five major recommendations to reorganize/reconstitute the Authority under the Joint Authority Water and Sewer Systems Act.

1. The collection systems of current Authority members and Oconee County should be consolidated into one combined system – owned, operated, and maintained by the reconstituted Authority.

- Timely evaluations (technical) and valuations (financial) of the collection systems, including debt, asset viability, and immediate capital, are essential to finalize the terms of the system transfers to the Authority. This step is crucial in the process and should be completed as soon as possible. *(NOTE: For the consolidation of the current collection systems into the reconstituted Authority, the Town of West Union should be included in this effort.)*
- It is recommended that all affected entities, to include the Board, the governing bodies of each member of the Authority (Walhalla, Westminster and Seneca), Oconee County Council, and the West Union Town Council, adopt a

resolution expressing initial support for this consolidation effort. The resolutions can be non-binding and contingent upon the final terms and conditions of the transfers. However, it would demonstrate a unified approach and support for the overall process, potentially aiding in the acquisition of any future grant funding or other forms of financial support.

- A unified and equitable rate structure will be developed and deployed as a part of the governance documents of the reconstituted Authority. A timeline for developing and implementing this rate structure will be completed as soon as possible.
- If the consolidation of any or all collection systems does not progress in a timely manner, or at all, the Authority, in its current form, must issue individual permits to each entity that retains ownership of those systems. These permits will necessitate ongoing compliance with the Authority's Sewer Use Regulation ("SUR"), which is further mandated by the Authority's National Pollutant Discharge Elimination System ("NPDES") permit issued by the South Carolina Department of Environmental Services ("SCDES"). This action will empower the Authority to enforce the conditions of these permits as outlined in the SUR. Further, SCDES recently confirmed that the agency's expectation is that the Authority enforce its SUR for all upstream users as necessary to comply with the Authority's own NPDES permit. Any permits issued to the current member entities, Oconee County, and/or Town of West Union¹ would reflect this regulatory expectation, though the precise terms would be left to the Authority's discretion.

2. The Authority should be reconstituted with a five-member Board of Commissioners (the "New Board").

Based on the Joint Authority Water and Sewer Systems Act (SC Code Ann §§6-25-5, et. seq.) ("Act"), a "member of a joint system" is defined as "an authority that has

¹ Anecdotally, SCDES shared that it is presently dealing with a situation elsewhere in the state involving a wastewater utility with compliance difficulties linked to a single large upstream user. In that situation, EPA has recommended that SCDES make the utility and each satellite user a co-permittees on the upcoming renewal of the utilities' NPDES permit. Such action creates jointly and severally responsibility to the state and federal government for all noncompliance going forward. In the absence of the recommended consolidation or issuance of individual permits, it is possible regulators could impose such a co-permittee scenario on the Authority and all member entities in the future.

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taken the actions necessary to form or join the joint system.” Based on this definition, the members with representative interests on the New Board will be the City of Seneca, the City of Walhalla, the City of Westminster and Oconee County. Draft legislation has been proposed to amend the Act to permit new methods for appointing commissioners to a joint authority. Conversations with legislative leadership have been ongoing, and proposed changes to the Act are expected to be considered during the 2026 legislative session at the earliest.² A copy of the proposed legislative changes to the Act are attached to this recommendation report.

Assuming these changes are approved, the full appointment of the commissioners to the New Board will be made by the Governor of South Carolina, based upon the recommendations of the Oconee County Legislative Delegation (the “Delegation”).

The following bullets provide the basic guidelines for commissioner recommendations. These will be outlined in the governance documents for the reconstituted Authority:

- All commissioners must reside within the service territory of the member to whom they are appointed to represent and have a service contract for public sewer at the time of appointment and for the duration of their term. At least one commissioner of the New Board shall be appointed from the service area of each member of the joint authority (i.e. one from Westminster, Walhalla, Seneca, and Oconee County, respectively).
- Gubernatorial appointed commissioners cannot be current elected officials or current staff of any Authority member.
- Clarifying language will be included in the governance documents for the reconstituted Authority to address changes to the Authority’s service territory and the potential impact on the appointment of future Commissioners. In general, if areas outside Oconee County are served, such customers would be

² If the legislative changes fail or take longer to be approved, the current Authority governance documents could be dissolved by the current Board and member entities and new governance documents drafted. In such event, it is recommended that the reconstituted Authority be served by a five-member New Board and subject to the parameters outlined in the Committee’s Recommendation 2. This act is further predicated on unequivocal endorsement that all of the existing collection systems be consolidated into a single system.

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by contract and the New Board would not be expanded (*i.e., Anderson County*).

- Terms of commissioners will be dictated by the revised Act and will generally be for 4 years.
- Under this New Board structure and with collection system consolidation, all votes will be based on one vote per commissioner. All other voting protocols will be defined in the new governance documents.

If the proposed legislative amendments to the Act are not enacted, the New Board will not be recommended by the Delegation and appointed by the Governor but rather will continue under the current method of appointment whereby the members of the Authority appoint their respective representatives to the New Board. The following bullets provide the basic guidelines for Commissioner recommendations in the event the proposed legislative amendments are not adopted:

- For the New Board representation should be as follows:
 - City of Seneca – Recommendation for 1 commissioner;
 - City of Walhalla – Recommendation for 1 commissioner;
 - City of Westminster – Recommendation for 1 commissioner;
 - Oconee County – Recommendation for 1 commissioner; and
 - Recommendation for 1 at-Large commissioner to be agreed upon by Seneca, Walhalla, Westminster and Oconee County
- Best efforts should be undertaken to avoid the appointment of any commissioner that involves current staff of any member or any elected official. It is strongly encouraged that the bylaws of the New Board expressly prohibit any such *ex officio* or principal/agent service on the New Board.
- Clarifying language will be included in the governance documents for the reconstituted Authority to address changes to the Authority's service area and the potential impact on the appointment of future Commissioners. In general, if areas outside Oconee County are served, these would be by contract and the Board would not be expanded.

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- Consistent with the Act, commissioner to serve at discretion of the members.
 - Under this New Board structure and with collection system consolidation, all votes will be based on one vote per Commissioner. All other voting protocols will be defined in the new governance documents.
- 3. The governance documents of the reconstituted Authority will be drafted and supersede all existing Authority governance documents and contracts, which must be dissolved as a part of this process. These documents will also provide that the reconstituted Authority will have the power to provide retail sewer services within its service area as necessary to support the operation of the consolidated collection systems. This should be finalized upon completion of the consolidation but can be drafted during the consolidation process.**
- 4. The current Board will dissolve the current Ad Hoc Committee and then establish a working group or smaller ad hoc committee to oversee and guide the initial implementation steps outlined above (the “Implementation Committee”). The Implementation Committee is recommended to include:**
- No more than 2 representatives of the current Board. Suggestion that these committee seats be held by the Board Chair and Vice Chair, since these positions are voted on by the current Board.
 - 1 representative of OJRSA staff.
 - 1 representative of Oconee County.
 - 1 representative of the Appalachian Council of Governments (ACOG).
 - No more than 2 additional facilitators (non-voting) may also be recommended.
 - Independent legal counsel should also remain actively involved in all consolidation efforts to ensure compliance with all legal requirements.
- 5. It is recommended that a Communications Plan for the reorganization be developed, which should be used by all entities involved. This plan will ensure clear and consistent messaging while also allowing for input from residents and customers of the Authority. Maintaining an open process is crucial to maximize**

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the chances of success in consolidating the collection systems and establishing the reconstituted Authority with the New Board.

Summary Statement:

The Ad Hoc Committee believes the foregoing recommendations to be vital to the long-term success of the Authority. In the absence of the implementation of these recommendations, the Authority runs the risk of significant regulatory compliance matters, lack of funding, and restrictions on growth and development of the County as a whole. As a plan to implement these recommendations, an implementation timeline is attached hereto as Exhibit A and incorporated herein by reference.

EXHIBIT A

IMPLEMENTATION TIMELINE

The following bullets provide a target schedule associated with completion of these initial recommendations. The schedule begins when the current Board approves these Reorganization Recommendations:

- **Within 45 days**, the current Board will dissolve the current Ad Hoc Committee and establish the Implementation Committee for further implementation oversight.
- **On a quarterly basis**, the Implementation Committee will provide an update to the SC Rural Infrastructure Authority, the current Board and Oconee County on the progress of the implementation of these initial recommendations.
- **Within 45 days**, the legislative revisions to the Act will be finalized and provided to the Delegation. Consultation shall be made with the Delegation on whether lobbyist support will be needed.
- **Within 90 days**, resolutions of support for system consolidation/Authority reorganization will be provided to and adopted by each governing body affected by the recommendations, including the Board, Seneca City Council, Walhalla City Council, Westminster City Council, West Union Town Council, Oconee County Council).
- **Within 120 days**, consultants shall be engaged, and the process of collection system evaluation (technical) and valuation (financial) will be initiated, including identification of potential funding for this effort and immediate rehabilitation projects that may be identified or on current Capital Improvement Plans. Additionally, a rate consultant will be engaged.
- **Within 120 days**, a Communications Plan will be developed under the guidance of the Implementation Committee and provided to all entities involved.
- **Within 60 days of the approved changes to Act being approved (likely July/August 2026)**, the list of recommendations for the initial commissioners for the New Commission will be provided to the Delegation.
- **Within 15 months**, after consultant engagement the evaluation and valuation of collection systems will be completed.
- **Within 18 months**, after consultant engagement the determination of a timeline for developing a unified, equitable rate structure will be provided as a part of the initial terms for collection system consolidation.
- **Within 24 months**, legal documents to transfer collection system assets to the Authority will be executed, as well as all necessary reconstitution documents.

EXHIBIT 1

- **Within 25 months**, if the legislative amendments have not be approved, plans for consolidation under the amended Act will be abandoned. Thereupon, the Authority will proceed to consolidate the member system and implement the reconstitution under the existing Act, with such process to be finalized by no later than **36 months**. Additionally, all members shall be issued permits in compliance with the SUR and added as co-permittees under the NPDES permit, if consolidation for any member does not occur.

ATTACHMENTS

- **Copies of Minutes of Ad Hoc Committee Meetings**
- **Draft of Proposed Amendments to the Act**



RESOLUTION 2025-06

Adoption of Amended and Restated Impact Fee Policy

A RESOLUTION ADOPTING AN AMENDED AND RESTATED IMPACT FEE POLICY OF THE OCONEE JOINT REGIONAL SEWER AUTHORITY; AND OTHER MATTERS RELATED THERETO.

NOW, THEREFORE, BE IT RESOLVED by the Oconee Joint Regional Sewer Authority Commission (the "Commission"), the governing body of the Oconee Joint Regional Sewer Authority, South Carolina ("OJRSA") in a meeting duly assembled as follows:

Section 1 Findings. The Commission hereby makes the following findings of fact in connection with the adoption of this resolution (this "Resolution"):

- A. OJRSA was established pursuant to Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the "Act") by its three member-municipalities: the City of Seneca, the City of Walhalla, and the City of Westminster under the terms of an Intergovernmental Agreement dated October 31, 2007 (the "Agreement").
- B. Pursuant to the Act and the Agreement, the Commission is tasked with the management and control over the joint regional sewer system owned and maintained by OJRSA.
- C. Pursuant to Sections 6-1-330 and 6-1-1080 of the Code of Laws of South Carolina 1976, as amended, a Technical Memorandum of Weston & Sampson dated April 3, 2025, and a resolution of the Commissioners dated June 2, 2025, the Board recently imposed an updated schedule of cost-justified impact fees related to the System (the "Impact Fees").
- D. Through the process of amending its schedule of Impact Fees, the Commission has further determined that it is in the best interest of OJRSA to amend and restate its policies governing Impact Fees, as formerly implemented on October 2, 2023 (as amended, the "Impact Fee Policy").

Section 2 Adoption. In accordance with the findings above, the Commission hereby adopts the Impact Fee Policy, a copy of which is set forth at Exhibit A attached hereto.

Section 3 Effective Date. The Impact Fee Policy is effective immediately upon the adoption of this Resolution. On the date hereof, the Impact Fee Policy shall replace all prior Impact Fee policies in their entirety, and hereafter the imposition of Impact Fees shall be governed under the provisions of the Impact Fee Policy. All prior resolutions and resolutions conflicting with the provisions of this Resolution are also repealed.

Done and adopted by the Oconee Joint Regional Sewer Authority Board of Commissioners, Seneca, South Carolina on this 4th day of August 2025.

Kevin Bronson, Chairman

OJRSA Board of Commissioners

Approved as to form:

Lawrence E. Flynn III, OJRSA Attorney

Attest: _____

Lynn Stephens, Secretary/Treasurer

OJRSA Board of Commissioners -and-
OJRSA Office Manager

Date: _____

<seal>

Exhibit A

Attached beginning on following page

OJRSA Impact Fee Policy
August 4, 2025

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DRAFT
For OJRSA Board
Consideration

OJRSA Impact Fee Policy
August 4, 2025

DEFINITIONS, ACRONYMS, AND FORMAT

This Section of the *OJRSA Impact Policy* contains definitions, acronyms, abbreviations, and formatting that are specific to this document.

DEFINITIONS AND ACRONYMS

The following words and acronyms (abbreviations) shall mean the following unless the context, custom or intent clearly indicates otherwise:

Board means the OJRSA Board of Commissioners.

Capacity Permit means a permit for OJRSA Wastewater System Capacity (or other document that serves this purpose) issued to a User or facility after January 1, 1990.

Capacity: OJRSA's ability to have wastewater resources available to meet the service needs of its Customers. The combination of plant and service-related activities required in order to provide the amount of wastewater service required by the Customer. All Capacity is owned by OJRSA, but rights to utilize Capacity may be assigned to Customers under the terms of this policy.

Construction Permit means a permit issued by SCDES that conditionally allows for a wastewater project to be built.

Customer means a User who, according to the records of a Member City or the OJRSA, receives wastewater service at a site that is directly or indirectly served by the OJRSA via a sewer service connection.

Employee means any full-time, part-time, or temporary individual who works at or routinely occupies a premises during normal operating hours, regardless of compensation. For sewer loading calculations, each Employee is assumed to contribute a standard daily wastewater flow, typically based on industry or regulatory estimates.

ERU means an equivalent residential unit, which is a standardized unit of measurement used in wastewater planning to represent the average daily wastewater flow or demand generated by a typical single-family residence. It serves as a baseline for comparing and calculating the wastewater contribution of various types of properties—residential, commercial, institutional, or industrial—on a consistent basis. The OJRSA considers one (1) ERU to equal 300 gpd.

etc. means *Et Cetera*, Latin for "and other things."

Executive Director means the Executive Director of OJRSA.

gpd means Gallons Per Day

Hydraulic Loading means the average daily volume of wastewater generated by specific types of Users or sources in gpd. These values are used in planning, permitting, and designing wastewater conveyance and treatment systems to ensure they can handle expected flows without risk of overloading.

Impact Fee means a one-time charge assessed to all new sewer Customers of OJRSA to recover costs associated with utilizing existing sewer infrastructure and constructing new sewer infrastructure in support of new development or expansions.

Land Use means the utilization condition of a property and for purposes of this Impact Fee Policy shall be either Residential Use or Nonresidential Use.

Member City means the cities of Seneca, Walhalla, and Westminster and others as defined by legally binding Intergovernmental Agreement(s).

Nonresidential Use means any use other than a Residential Use, which may include, but is not limited to: commercial users, industrial users, health care facilities, religious establishments, educational facilities, assisted living

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facilities, and other establishments. It shall also include apartments, condominiums, and other multi-unit housing complexes served potable water by a master meter and/or with a common sewer service lateral or system serving multiple units prior to connecting with a public sewer.

OCCS means Oconee County Sewer Commission, predecessor to the Oconee Joint Regional Sewer Authority.

OJRSA means Oconee Joint Regional Sewer Authority, South Carolina.

OJRSA Retail System means, in reference to OJRSA's wastewater treatment and/or conveyance system, the portion of the wastewater collection system, trunk sewer, and/or treatment plant where OJRSA is the sole wastewater utility providing services to the User.

OJRSA Service Area means the area that OJRSA is permitted to provide service, as may be amended from time to time.

OJRSA Wholesale System means, in reference to OJRSA's wastewater treatment and/or conveyance system, the portion of OJRSA wastewater trunk sewer and/or treatment system that serves a Member City, as well as the Town of West Union, which are considered to be the Users' the applicable retail sewer provider.

PE means Professional Engineer.

Residential Use means a freestanding residential structure and is intended to be used as a single unit with unshared utilities. Includes detached homes (regardless of its location in a subdivision), mobile homes, multi-family developments (if units have individual sewer plumbing that is not combined prior to connection to the public sewer system), and recreational vehicle/camper site with an individual water meter and sewer connection. It shall not include those served potable water by a master meter for water service (which measures total water consumption for an entire building or complex) or those defined as a Nonresidential Use.

Retail Impact Fund means the banking and investment account to be used for the renovation, modernization, and expansion of OJRSA Retail System, the funding source of which is impact fees collected and expended pursuant to Title 6, Chapter 1, Article 9 of the Code of Laws of South Carolina 1976, as amended and this Impact Fee Policy.

SCDES means South Carolina Department Environmental Services or any successor agency.

User means any person or entity who directly or indirectly discharges, causes, or permits the discharge of domestic or nondomestic wastewater to any wastewater conveyance system directly or indirectly connected to an OJRSA facility. Users consist of Residential Users and Nonresidential Users. A User can have water and/or sewer service provided by a Member City, OJRSA, or can be a Well Customer. See OJRSA Sewer Use Regulation for additional information.

Well Customer means a Customer that utilizes sewer service from OJRSA, but otherwise receives potable or non-potable water from any hole that is drilled, dug, or excavated. Such Customers shall be classified as Residential or Nonresidential Users.

Wholesale Impact Fund means the banking and investment account to be used for the renovation, modernization, and expansion of OJRSA Wholesale System, the funding source of which is impact fees collected and expended pursuant to Title 6, Chapter 1, Article 9 of the South Carolina Code of Laws 1976, as amended and this Impact Fee Policy.

Willingness and Capability Letter means an executed letter from OJRSA providing its initial commitment to provide sewer service to a developer or owner. This letter may also be titled by the following: Willingness & Ability to Serve, Commitment to Own, Commitment to Own & Operate, of other similar title as required by SCDES prior to the issuance of a construction permit that will allow for the construction of a wastewater system.

DOCUMENT FORMAT

This manual contains fonts and styles that mean certain things, including points of emphasis or reference other sections or materials. Below is a list of the types used within this manual and what it represents when encountered in the *OJRSA Impact Fee Policy*.

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Italics

MIX-SIZED CAPITAL LETTERS

Underlined Italics

Title of books, manuals, and other documents

Name of sections or appendices in a book, manual, or other document

A note of caution or warning

SECTION 1 – ADOPTION

This *OJRSA Impact Fee Policy* (the “Impact Fee Policy” or “Policy”) shall become effective in accordance with OJRSA Resolution 2025-06 dated August 4, 2025. All resolutions or policies (including former impact fee policies) that are in conflict with the provisions of this Resolution or the Policy are hereby repealed to the extent of the conflict or inconsistency or in their entirety where the conflict or inconsistency is not severable from such document.

SECTION 2 – PURPOSE

The purpose of this Policy is to establish the method by which Impact Fees, as defined herein, shall be calculated and assessed within the OJRSA. This Impact Fee Policy is based upon the conclusions and recommendations found in the Technical Memorandum dated April 3, 2025 prepared by Jason Gillespie, PE of Weston & Sampson Engineers, Incorporated (the “Impact Fee Consultant”), which is attached hereto as Appendix 1.

SECTION 3 – POLICY

3.1 ASSESSMENT

An Impact Fee shall be assessed on all new development and redevelopment, including a change in Land Use, located within the OJRSA Service Area for which new sewer service is necessary or additional sewer service is needed based on *OJRSA Development Policy* SECTION 7.1, except for the following:

- A. Rebuilding or replacing a structure (residential or nonresidential) on a parcel of land that contains an existing sewer service with a wastewater flow contribution less than or equal to previously permitted use;
- B. Remodeling or repairing a structure with the same Land Use that does not result in an increase in the volume of wastewater discharged or place additional demands on OJRSA’s facilities and equipment;
- C. Construction of an addition to a structure (residential or nonresidential) that does not increase the volume of wastewater discharge; or
- D. Placing a construction trailer or temporary office on a lot during the temporary period of construction on the same lot;
- E. Changing or adding uses or equipment that creates no new or increased volume of wastewater discharge for OJRSA’s facilities and equipment.

3.2 NONTRANSFERABLE

The capacity purchased via an Impact Fee shall remain with the real property regardless of ownership. The capacity shall not be transferred to an alternate property location, nor can it be sold, purchased from someone else, or traded as a commodity.

3.3 IMPACT FEE RATES AND REASSESSMENT

- A. The rates for Impact Fees are based on advice received from the Impact Fee Consultant, and have been approved by the Board on June 2, 2025. The rates are set forth in the *OJRSA Schedule of Fees* adopted and periodically updated by the Board. The rates may be subject to change based upon future legislative action undertaken by the Board. Impact Fee rates are based on Hydraulic Loading for particular Land Uses as set forth below. Each gpd of anticipated usage will be assessed at separate per gallon cost for both OJRSA Wholesale System Customers and for OJRSA Retail System Customers, as set forth in the *OJRSA Schedule of Fees*. Regardless of Hydraulic Loadings, the minimum Impact Fee to be assessed per sewer connection shall be one (1) ERU.

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August 4, 2025

which is equal to 300 gpd as further set out on the table below. NOTE: Where SC Regulation 61-67 Appendix A and OJRSA Development Policy differ, the Impact Fee shall be based on the OJRSA Development Policy.

Types of Establishments Per OJRSA Development Policy		Hydraulic Loading (gpd)
A	Airport:	
	Per Employee	8
	Per Passenger	4
B	Apartments, Condominiums, and Similar Multi-Family Developments: (As defined in the Sewer Use Regulation)	
	Four-to-Six (4-to-6) Bedroom (Per Unit) ¹	300
	Three (3) Bedrooms (Per Unit)	300
	Two (2) Bedrooms (Per Unit)	225
	One (1) Bedroom (Per Unit)	150
C	Assembly Halls: (Per Seat)	4
D	Barber Shop:	
	Per Employee	8
	Per Chair	75
E	Bars, Taverns:	
	Per Employee	8
	Per Seat, Excluding Restaurant	30
F	Beauty Shop/Pet Grooming Shop:²	
	Per Employee	8
	Per Chair	94
G	Boarding House, Dormitory: (per resident)	38
H	Bowling Alley:	
	Per Employee	8
	Per Lane, No Restaurant, Bar, or Lounge	94
I	Camps:	
	Resort, Luxury (Per Person)	75
	Summer (Per Person)	38
	Day, with Central Bathhouse (Per Person)	26
	Travel Trailer (Per Site)	131
J	Car Wash: (Per Car Washed)	56
K	Churches:	
	Per Seat	2
	Fellowship Hall with Commercial Kitchen ³	5
L	Clinics, Doctor's Office:	
	Per Employee	11
	Per Patient	4
M	Country Club, Fitness Center, Gym, Spa: (Per Member)	38
N	Dentist Office:	
	Per Employee	11
	Per Chair	6
	Per Suction Unit; Standard Unit	278
	Per Suction Unit; Recycling Unit	71

¹ Email received from Gina Abbott with SCDHEC on December 19, 2019 stated: "R. 61-67 does not specify a loading for a 4 or 5 bedroom apartment unit. The loading for a residential lot is 300 gpd. It would be acceptable to use 300 gpd for a 4 or 5 bedroom apartment unit."

² To be included as it is not addressed elsewhere in this document.

³ Per Seat, per OJRSA Policy established August 21, 2000.

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Types of Establishments Per OJRSA Development Policy		Hydraulic Loading (gpd)
	Per Suction Unit; Air Generated Unit	0
O	Factories, Industries:	
	Per Employee	19
	Per Employee, with Showers	26
	Per Employee, with Kitchen	30
	Per Employee, with Showers and Kitchen	34
P	Fairgrounds: (Average Attendance, Per Person)	4
Q	Grocery Stores: (Per square foot of floor space, unknown occupant)⁴	0.20
R	Hospitals:	
	Per Resident Staff	75
	Per Bed	150
S	Hotels: (Per Bedroom, No Restaurant)	75
T	Institutions Not Elsewhere Defined Within the Policy: (Per Resident)	75
U	Laundries: (Self Service, Per Machine)	300
V	Marinas: (Per Slip)	23
W	Mobile Homes: (Per Unit)	See CC Below
X	Motels: (Per Unit, No Restaurant)	75
Y	Nursing Homes:	
	Per Bed	75
	Per Bed, with Laundry	113
Z	Offices, Small Stores, Administration Buildings, General: (Per square foot of floor space, unknown occupant)⁵	0.20
AA	Picnic Parks: (Average Attendance, Per Person)	8
BB	Prison/Jail:	
	Per Employee	11
	Per Inmate	94
CC	Residences, Patio Homes, and Other Single-Family Residential Uses: (As defined in the Sewer Use Regulation; Per House or Unit)	300
DD	Rest Areas, Welcome Centers:	
	Per Person	4
	Per Person, with Showers	8
EE	Rest Homes/Retirement Homes/Assisted Living Facilities:	
	Per Bed	75
	Per Bed, with Laundry	113
FF	Restaurants/Coffee Shops/Cafes/Bakeries/Event Venues (and other locations with food service):	
	Not Twenty-Four (24) Hours (Per Seat)	30
	Twenty-Four (24) Hour Restaurant (Per Seat)	53
	Drive-In (Per Car Served)	30
	Vending Machine, Walk-up Deli (Per Person)	30
GG	Schools, Day Care:	
	Per Person	9
	Per Person, with Cafeteria	11
	Per Person, with Cafeteria, Gym, and Showers	15
HH	Service Stations/Gasoline or Fueling Stations	

⁴ OJRSA Board adopted using the former SCDHEC standard of 200 GPD per 1,000 sqft of floor space on October 5, 2015.

⁵ OJRSA Board adopted using the former SCDHEC standard of 200 GPD per 1,000 sqft of floor space on October 5, 2015.

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Types of Establishments Per OJRSA Development Policy		Hydraulic Loading (gpd)
	Per Employee	8
	Per Car Served	8
	Car Wash (Per Car Washed)	56
II	Shopping Centers, Large Department Stores, Malls: (Per square foot of floor space, unknown occupant)⁶	0.20
JJ	Stadiums, Coliseums: (Per Seat, No Restaurant)	4
KK	Swimming Pools: (Per Person, with Sewer Facilities and Showers)	8
LL	Theaters:	
	Indoor (Per Seat)	4
	Drive-In (Per Stall)	4
N/A	Industrial User Process Wastewater:	Case-by-Case
N/A	Nonresidential Use Well Customer:	Case-by-Case
N/A	Special Requested Discharge:	Case-by-Case

- A. Impact Fees shall be reviewed or reassessed on a regular basis and an update on these costs shall be provided to the Board for implementation, as applicable.
- B. Any hydraulic loading calculations based on “per” unit factors (e.g., per person, per car, per employee, per bed, per inmate, per seat, etc.) shall rely on reasonable usage and occupancy assumptions applicable to standard businesses or facilities performing such functions. If an industry or entity is unwilling or unable to provide assumptions acceptable to OJRSA for the purpose of estimating hydraulic loadings, OJRSA may engage a qualified consultant to assist in making such determinations. The consultant’s recommendations shall be final and not subject to appeal. All costs associated with retaining such a consultant shall be paid in full by the Impact Fee payor, in addition to any Impact Fees due.

3.4 PAYMENT AND TIMING

Impact Fees will be paid as described below:

- A. Impact Fees shall be paid prior to the issuance of a Capacity Permit in accordance with the rates set forth in the *OJRSA Schedule of Fees*.
- B. Payment of the Impact Fee is a condition of development approval and the issuance of a Capacity Permit shall not be issued until Impact Fees are paid in full.
- C. For Nonresidential Users that discharge wastewater from water sources other than strictly a potable supply (e.g., direct surface withdrawal, groundwater wells, etc.) and/or if there is an anticipated difference greater than five percent (5%) between the potable water used by an industry and the amount to be discharged (e.g., evaporation through cooling, beverage bottling operations, etc.), then it will be necessary for OJRSA establish the Impact Fee on a case by case basis and to consult an engineering firm of its choice to determine what the appropriate Impact Fees shall be. All costs for process water shall be calculated at a per gallon rate as stated in the *OJRSA Schedule of Fees*. All costs of the engineer’s assessment shall be the applicable Nonresidential User’s sole expense. If, after one (1) year of substantially completed operation, the actual volume of wastewater discharge differs by more than five percent (5%) from the potable water used, User will be assessed additional Impact Fees to cover the increased wastewater volume. Service will be terminated if additional Impact Fees are not timely paid within 30 days of a written request for payment.
- D. For subdivisions, the property developer shall pay Impact Fees for all lots within the subdivision with the assumption that all lots for Residential Use will generate only one (1) ERU of flow. Flow associated with Nonresidential Use will be determined based on the table in Section 3.3. Impact Fees for subdivisions must be paid prior to OJRSA issuing a Willingness and Capability Letter that is necessary for the permitting of a wastewater

⁶ OJRSA Board adopted using the former SCDHEC standard of 200 gpd per 1,000 sqft of floor space on October 5, 2015.

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collection system extension serving a development. To the extent that an Impact Fee was not paid for a property within a subdivision prior to July 1, 2021, all new development shall be subject to the Impact Fees as set forth in this Impact Fee Policy.

- E. Impact Fees for Well Customers or other unmetered connections for their water supply shall be charged in the following manner:
 - 1. Each Residential User shall be charged a fee based on one (1) ERU, and
 - 2. Each Nonresidential User shall be charged a fee as determined on a case-by-case basis as described in Section 3.4(C) above.
- F. In limited circumstances, a fee payor may request to provide services, monetary contributions, or facilities in lieu of the payment of Impact Fees. In such event, any services, monetary contributions, or facilities paid in lieu of the payment of Impact Fees shall be evaluated and, in the Board's sole discretion valued by a consultant chosen in the discretion of OJRSA, acting through its Executive Director, to be credited against the applicable Impact Fees due and owing. The authority to reduce, credit or waive applicable Impact Fees is in the Board's sole discretion.
- G. Unusual situations and conditions not addressed in this Impact Fee Policy shall be considered in consultation with the OJRSA's engineer on a case-by-case basis. Such decisions made by the OJRSA shall not establish precedence for similar circumstances that may occur in the future.

3.5 USAGE

- A. Impact Fees shall be imposed only to fund wastewater system improvement costs reasonably related to new development. Impact Fees cannot be used to offset OJRSA's operating costs or maintenance of existing public facilities.
- B. Based on the calculations performed by Impact Fee Consultants, the Impact Fees shall not exceed the costs of wastewater system improvement costs reasonably related to such development.
- C. The Executive Director, or his/her designee, shall make periodic reports to the Board and/or any designated committee regarding the collection and use of Impact Fees. Consideration shall be given as to how the Impact Fees are being spent for the benefits of new developments or replacing existing capacity within the OJRSA Service Area.

3.6 DISPOSITION

All monies paid by the fee payor pursuant to this Impact Fee Policy shall be identified as Impact Fees and promptly deposited in either the Retail Impact Fund or the Wholesale Impact Fund. Impact Fees shall be deposited in the Retail Impact Fund if the additional capacity is required from the OJRSA Retail System. Impact Fees shall be deposited in the Wholesale Impact Fund if the additional capacity is required from the OJRSA Wholesale System. Any Impact Fees on deposit in the either the Retail Impact Fund or the Wholesale Impact Fund that are not immediately necessary for expenditure shall be maintained and be invested (in accordance with South Carolina law and OJRSA's Financial Policies) prior to expenditure on authorized projects. Interest earned within the Retail Impact Fund or the Wholesale Impact Fund shall be treated as Impact Fees subject to all restrictions placed on the use of Impact Fees pursuant to this Impact Fee Policy.

3.7 REFUNDS

- A. OJRSA shall refund, to the current owner of record of the property for which an Impact Fee has been paid, all Impact Fees paid with respect to such property if the development for which the Impact Fees were imposed did not occur and no financial impact to OJRSA has occurred in preparation to increase capacity to serve the property; provided that, if some, but not all, of the development for which Impact Fees were imposed occurred, the amount of Impact Fees shall be refunded and shall be pro-rated accordingly. Such refunds must be approved by the Operations & Planning Committee, which is a standing committee of the OJRSA Board.
- B. Subject to the provisions of 3.7(A) set forth above, property owners seeking a refund of Impact Fees must submit a written request for a refund of Impact Fees to the Executive Director within one (1) year of the date of abandonment of the development for which a Willingness and Capability Letter was issued. This notification to OJRSA must occur following confirmation that the Construction Permit has been canceled and flow

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associated with the project that was allocated by SCDES to OJRSA facilities has been removed by SCDES. Refunds of Impact Fees shall not include any interest earnings or other revenues derived from the Impact Fees accruing after the initial date of payment. Any Impact Fees, subject to the provisions of this section for which no application for a refund has been made within the one (1) year refund claim period, shall be retained by OJRSA and expended on public facilities of the type for which such Impact Fees were collected.

3.8 APPEALS

- A. A fee payor may pay Impact Fees under protest. Payment under protest is a condition precedent to appealing any Impact Fees described herein. Additionally, a fee payor, at his/her option, may also post a bond or submit an irrevocable letter of credit for the amount of Impact Fees due instead of making a cash payment under protest, pending the outcome of an appeal.
- B. A fee payor may file an administrative appeal with the Executive Director regarding the payment of Impact Fees by filing a written notice of appeal. Said notice shall be filed within ten (10) calendar days of the payment of the Impact Fees. The filing of an appeal will immediately halt all sewer services unless the fee payor posts a bond or submits an irrevocable letter of credit for the full amount of the Impact Fees as calculated by OJRSA to be due. All notices of appeal shall include a full explanation of the reasons for the appeal, specifying the grounds therefor, and containing any documentation that the fee payor desires to be considered. The appeal shall contain the name and address of the fee payor filing the appeal and shall state their capacity to act as representative or agent if they are not the owner of the property to which recovery fees pertain. By no later than twenty (20) calendar days following receipt of the written notice of appeal, the Executive Director will review the appellant's written report, supporting documentation and departmental staff reports. The review period may be extended in the discretion of the Executive Director if additional information is needed from the appellant in order to render a decision. Upon completion of the administrative review, the Executive Director will provide a written response to the Appellant constituting a final administrative determination.
- C. Any person desiring to appeal the final administrative determination of the Executive Director regarding payment of Impact Fees shall file a written notice of appeal to the Board. Said notice of appeal to the Board shall be filed with the Secretary of the Board within five (5) business days following receipt of the final administrative determination. Receipt shall be construed to have occurred when the final administrative decision is deposited in the United States mail postage prepaid to the person whose name and address is identified in the original notice of appeal. Thereafter, the Board shall conduct a hearing at its next regularly scheduled meeting, or such other meeting time as may be agreeable to OJRSA and the appellant, and shall allow the appellant, in person or acting through counsel, to present an oral presentation to the Board regarding its appeal. After hearing such appeal, the Board, within ten (10) business days, shall make a written finding as to the appeal and either accept the findings appeal, reject it or proffer a compromise. If any refund is determined, OJRSA shall refund the required amount within ten (10) business days of the written determination by the Board. The findings and determination of the Board shall constitute the final judicial determination as to the payment of Impact Fees.
- D. Only after all administrative appeals have been exhausted under the provisions of this Impact Fee Policy, the aggrieved fee payor may determine to file a suit in a court of competent jurisdiction to challenge the payment of the disputed Impact Fees.

REVISION HISTORY

This and previous editions must be maintained in accordance with the *OJRSA Records Retention Policy*.

Table 1: OJRSA Impact Fee Policy revision history

Revision Number	Date	Description of Changes
N/A	11/21/1989	Oconee County Ordinance [19]89-6 established first wastewater impact fee at rate of \$300 per ERU of 200 gallons of wastewater per day. The effective date of the fee to be midnight, 12/31/1989.

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Revision Number	Date	Description of Changes
N/A	05/13/1991	OCSC Board approves changes to impact fee policy, including a change to the residential ERU to 400 gpd, what constitutes new construction that must pay fees, multiple residences on a single connection, fees for larger users, and exemptions.
N/A	07/06/1998	OCSC Board policy states the agency can neither waive nor lower impact fees.
N/A	10/05/1998	OCSC Board policy requires payment of impact fees before facility can get a building permit.
N/A	03/01/1999	OCSC Board policy adopted that considers "sweet shops" (dessert and ice cream stores) to be charged impact fees based on them being a "recreation-type facility" of five (5) gpd per seat plus twenty-five (25) gpd per employee.
N/A	01/10/2000	OCSC policy adopted that requires Industrial Pretreatment staff to take an average of the number of employees for an industry during the previous year to complete the audit for determining impact fees. This number is to include temporary employees.
N/A	04/01/2002	OCSC Board passed policy to bill Oconee County for impact fees associated with the Newry community.
N/A	10/04/2004	OCSC Board approved transferring impact fees from the old School District of Oconee County Administration Building to the new building but they must pay some fees for additional staff.
N/A	05/01/2006	OCSC Board addressed requirements necessary to provide refund for a facility that constructed a smaller facility than was originally permitted.
N/A	07/03/2006	OCSC approved increasing impact fee to \$450 per ERU and approved reviewing the fee annually and increasing it based on changes in the Consumer Price Index.
N/A	08/07/2006	OCSC adopted policy on how to calculate impact fees on buildings without dividing walls ("shell buildings").
N/A	02/04/2008	OJRSA Board authorized creation of an additional impact fee for the transportation and trunk line system of \$300 per ERU. The effective date to be 04/01/2008.
N/A	10/05/2015	OJRSA Board continued former SCDHEC method to calculate grocery stores, offices, small stores/businesses/administration buildings, and shopping centers/large department stores/malls.
N/A	11/07/2016	OJRSA Board provided a grant to cover impact fees for Walhalla American Legion Post #214.
N/A	12/07/2020	OJRSA Resolution 2021-06 addressed how to handle non-permitted and under-permitted residential and nonresidential facilities regarding payment of impact fees.
N/A	04/05/2021	OJRSA Resolution 2021-12 changed the way impact fees are calculated, which is to use water meter size and type use instead of Hydraulic Loading, which uses ERUs. It also established "grandfathering" certain existing customers. The effective date to be 07/01/2021.
N/A	05/02/2022	OJRSA Board approved policy to collect impact fees for its retail sewer service area in southern Oconee County. The fees collected for this fund are to be used solely for growth-related projects associated with the OJRSA Retail Wastewater System. If used for a commonly-shared asset, such as the Coneross Creek Water Reclamation Facility, project expenses paid by the Member Cities and retail sewer customers shall be equal to the percentage of impact fees collected from the Wholesale and Retail users beginning January 1, 2023.
0000	10/02/2023	Initial issue of comprehensive <i>OJRSA Impact Fee</i> by <i>OJRSA Resolution 2024-04</i> .
0001	08/04/2025	Update to Policy by <i>OJRSA Resolution 2025-06</i> .

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APPENDIX 1 – IMPACT FEE ANALYSIS



3453 Pelham Road, Suite 204, Greenville, SC 29615
Tel: 864.686.5774

MEMORANDUM

TO: Chris Eleazer, Executive Director, Oconee Joint Regional Sewer Authority

FROM: Jason Gillespie, P.E.

DATE: April 3, 2025

SUBJECT: Impact Fee Analysis – SCDES Contributory Loadings

Oconee Joint Regional Sewer Authority (OJRSA) currently has an impact fee based on an estimate of \$15.25 per GPD, as assessed on an estimated typical flow from the water meter size. These current rates are shown in Table 1.

Table 1: Current Impact Fee Structure Based on Meter Type and Size

Meter Type / Size		Impact Fee CURRENT (approved in 2023)	WSE Recommended Impact Fee For FY 2024
Residential	5/8" or 3/4"	\$2,300	\$3,700
	1"	\$5,600	\$8,900
Commercial / Industrial	5/8" or 3/4"	\$3,400	\$5,500
	1"	\$5,600	\$15,300
	1 1/2"	\$24,900	\$39,900
	2"	\$50,400	\$81,000
	3"	\$150,000	\$240,500
	4"	\$188,200	\$302,300
	6"	\$360,400	\$578,900
	8"	\$565,800	\$908,900

WSE evaluated the capital improvement costs in the current construction market climate in 2023, and the impact fee was raised to \$15.25 per gpd ADF. This is below the WSE's recommendation at that time of \$24.50 per gpd ADF. We have now updated the analysis again to estimate costs for the current market climate in 2025. Our analysis showed that construction costs within the wastewater construction industry have risen approximately 5% since 2023. Therefore, updated capital improvement costs as of April 2025 are estimated as¹:

Treatment Plant Construction	\$14.70/gpd
Soft Costs – Design, Permitting, Construction Administration and Inspection, Legal, etc. (20%)	\$2.94/gpd

¹ See "Recommendations for Impact Fee (April 2025 Update)" Memorandum from Weston & Sampson, April 3, 2025 for more information

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Project Contingency (20%)	\$2.94/gpd
TOTAL TREATMENT PLANT COSTS	\$20.58/GPD
TOTAL CONVEYANCE SYSTEM COSTS (25% OF TREATMENT)	\$5.15/GPD
TOTAL RECOMMENDED IMPACT FEE BASIS	<u>\$25.73/GPD</u>

OJRSA requested an analysis of what the impact fees would be if the \$15.25 per GPD were instead assessed on the sewer contributory loading as defined in South Carolina Department of Environmental Regulation 61-67, "Standards for Wastewater Facility Construction" Appendix A: Unit Contributory Loadings to All Domestic Wastewater Treatment Facilities. One downside to using the unit contributory loadings is that it does not always correlate to the actual amount of wastewater that the system may see due to the particular development.

The table of Unit Contributory Loadings is shown in Appendix A attached, along with a representative example of each type of establishment, and its corresponding impact fee based on \$15.25 per gpd.

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Appendix A: Impact Fees Based on SCDES Contributory Loading

Type of Establishment	SCDES Hydraulic Loading (GPD)	Representative Example				
		Units	Component Flow (GPD)	Total Flow (GPD)	Impact Fee @ \$15.25/GPD	Impact Fee @ \$25.73/GPD
Airport				560	\$ 8,540	\$ 14,409
Per Employee	8	20	160			
Per Passenger	4	100	400			
Apartments, Condominium, Patio Homes						
3 Bedrooms	300			300	\$ 4,575	\$ 7,719
2 Bedrooms	225			225	\$ 3,431	\$ 5,789
1 Bedroom	150			150	\$ 2,288	\$ 3,860
Assembly Hall						
Per Seat	4	500		2000	\$ 30,500	\$ 51,460
Barber Shop				594	\$ 9,059	\$ 15,284
Per Employee	8	18	144			
Per Chair	75	6	450			
Bars, Taverns				816	\$ 12,444	\$ 20,996
Per Employee	8	12	96			
Per Seat, Excluding Restaurant	30	24	720			
Beauty Shop				708	\$ 10,797	\$ 18,217
Per Employee	8	18	144			
Per Chair	94	6	564			
Boarding House, Dormitory						
Per Resident	38	100		3800	\$ 57,950	\$ 97,774
Bowling Alley				880	\$ 13,420	\$ 22,642
Per Employee	8	16	128			
Per Lane, No Restaurant, Bar or Lounge	94	8	752			
Camps						
Resort, Luxury (Per Person)	75	100		7500	\$ 114,375	\$ 192,975
Summer (Per Person)	38	100		3800	\$ 57,950	\$ 97,774
Day, with Central Bathhouse (Per Person)	26	100		2600	\$ 39,650	\$ 66,898
Travel Trailer (Per Site)	131	50		6550	\$ 99,888	\$ 168,532
Car Wash						
Per Car Washed	56	80		4480	\$ 68,320	\$ 115,270
Churches						
Per Seat	2	500		1000	\$ 15,250	\$ 25,730
Clinics, Doctors Office				496	\$ 7,564	\$ 12,762
Per Employee	11	16	176			
Per Patient	4	80	320			
Country Club, Fitness Center, Spa						
Per Member	38	250		9500	\$ 144,875	\$ 244,435
Dentist Office				928	\$ 14,152	\$ 23,877
Per Employee	11	24	264			
Per Chair	6	16	96			
Per Suction Unit, Standard	278		0			
Per Suction Unit, Recycling	71	8	568			
Per Suction Unit, Air Generated Unit	0		0			
Factories, Industries						
Per Employee	19	50		950	\$ 14,488	\$ 24,444
Per Employee, w/ Showers	26	200		5200	\$ 79,300	\$ 133,796
Per Employee w/ Kitchen	30	200		6000	\$ 91,500	\$ 154,380
Per Employee w/ Showers and Kitchen	34	250		8500	\$ 129,625	\$ 218,705
Fairgrounds						
Average Attendance Per Person	4	1000		4000	\$ 61,000	\$ 102,920
Grocery Store						
Per Person, No Restaurant or Food Prep	19	400		7600	\$ 115,900	\$ 195,548
Hospitals				13500	\$ 205,875	\$ 347,355
Per Resident Staff	75	80	6000			
Per Bed	150	50	7500			

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Appendix A: Impact Fees Based on SCDES Contributory Loading

Type of Establishment	SCDES Hydraulic Loading (GPD)	Representative Example				
		Units	Component Flow (GPD)	Total Flow (GPD)	Impact Fee @ \$15.25/GPD	Impact Fee @ \$25.73/GPD
Hotels						
Per Bedroom No Restaurant	75	100		7500	\$ 114,375	\$ 192,975
Institution						
Per Resident	75	100		7500	\$ 114,375	\$ 192,975
Laundries						
Per Machine (Self Service)	300	25		7500	\$ 114,375	\$ 192,975
Marinas						
Per Slip	23	30		690	\$ 10,523	\$ 17,754
Mobile Homes						
Per Unit	225			225	\$ 3,431	\$ 5,789
Motels						
Per Unit, No Restaurant	75	100		7500	\$ 114,375	\$ 192,975
Nursing Homes						
Per Bed	75	40		3000	\$ 45,750	\$ 77,190
Per Bed w/ Laundry	113	80		9040	\$ 137,860	\$ 232,599
Offices, Small Stores, Business, Administration Buildings						
Per Person, No Restaurant	19	25		475	\$ 7,244	\$ 12,222
Picnic Parks						
Average Attendance Per Person	8	100		800	\$ 12,200	\$ 20,584
Prison / Jail						
Per Employee	11	25	275	4975	\$ 75,869	\$ 128,007
Per Inmate	94	50	4700			
Residences						
Per House	300			300	\$ 4,575	\$ 7,719
Rest Areas, Welcome Center						
Per Person	4	50		200	\$ 3,050	\$ 5,146
Per Person w/ Showers	8	50		400	\$ 6,100	\$ 10,292
Rest Homes						
Per Bed	75	40		3000	\$ 45,750	\$ 77,190
Per Bed, w/ Laundry	113	80		9040	\$ 137,860	\$ 232,599
Restaurants						
Fast Food, Not 24 Hrs, Per Seat	30	50		1500	\$ 22,875	\$ 38,595
24 Hr, Per Seat	53	50		2650	\$ 40,413	\$ 68,185
Drive In, Per Car Space	30	24		720	\$ 10,980	\$ 18,526
Vending Machine, Walk-up Deli or Food Prep (Per Person)	30	40		1200	\$ 18,300	\$ 30,876
Schools, Day Care						
Per Person	8	50		400	\$ 6,100	\$ 10,292
Per Person w/ Cafeteria	11	500		5500	\$ 83,875	\$ 141,515
Per Person w/ Cafeteria, Gym & Showers	15	1200		18000	\$ 274,500	\$ 463,140
Service Stations						
Per Employee	8	12	96	5776	\$ 88,084	\$ 148,616
Per Car Served	8	150	1200			
Car Wash (Per Car Washed)	56	80	4480			
Shopping Centers, Large Department Stores, Malls						
Per Person, No Restaurant	19	1000		19000	\$ 289,750	\$ 488,870
Stadiums, Coliseums						
Per Seat, No Restaurant	4	1000		4000	\$ 61,000	\$ 102,920
Swimming Pools						
Per Person, w/ Sewer Facilities and Showers	8	100		800	\$ 12,200	\$ 20,584
Theatres						
Indoor, Per Seat, Drive in, Per Stall	4	800		3200	\$ 48,800	\$ 82,336

CONSTRUCTION CHANGE REQUEST



PROJECT NAME	OJRSA WWTP Automation & Pump Improvements		
LOCATION OF WORK	Seneca, SC		
PROJECT MANAGER	Wes Bratton	CLIENT	OJRSA
REQUEST NO. & TITLE	COR# 1 RAS/WAS Mech. Additions	DATE OF REQUEST	6/20/25

CHANGE REQUEST OVERVIEW

DESCRIPTION OF CHANGES NEEDED	Descriptions of changes for both the RAS and WAS pumps are included on Time & Material Tracking Sheet
REASON FOR CHANGE	Changes are due to existing field conditions that required Cove to purchase or modify existing piping in order to make the system fit up properly.
SUPPORT & JUSTIFICATION DOCUMENTS	<p>List all attached documents which support the requested change, and justify any increased cost and time.</p> <p>See attached T&M sheet for justification</p>
COST DETAIL	See attached T&M sheet for breakdown of costs

CHANGE IN CONTRACT PRICE

ORIGINAL PRICE	\$362,100.00
NET CHANGES OF PREVIOUS CHANGE ORDERS	\$0
NET INCREASE / DECREASE	\$14,225.64
TOTAL CONTRACT PRICE WITH REQUESTED CHANGES	\$376,325.64

CHANGE IN CONTRACT TIMES

ORIGINAL TIMES	0
NET CHANGES OF PREVIOUS CHANGE ORDERS IN DAYS	0
NET INCREASE / DECREASE	0
TOTAL CONTRACT TIME WITH REQUESTED CHANGES	0

ACCEPTED BY SIGNATURE	
NAME & TITLE	
DATE	

APPROVED BY SIGNATURE	
NAME & TITLE	
DATE	



PROJECT: OJRSA WWTP Automation & Pump Improvements

Date: 6/20/2025

Change Order Request #1: Existing RAS/WAS Header Piping Replacement

Time and Material Tracking Sheet

Materials

See attached invoices

<i>Company</i>	<i>Item</i>	<i>Cost</i>
Ferguson WW	3 ZN 150# RR FF 1/8 FLG PKG	\$ 36.00
Ferguson WW	4 ZN 150# RR FF 1/8 FLG PKG	\$ 14.52
Ferguson WW	3 FLG COUP ADPT 3.96	\$ 240.00
Ferguson WW	3 MEGAFLANGE FLG ADPT	\$ 174.42
Ferguson WW	4 MEGAFLANGE FLG ADPT	\$ 120.00
Ferguson WW	3X6'0 FLGXPE CL BT DI SPL	\$ 1,040.64
Ferguson WW	4X4'0 FLGXPE CL BT DI SPL	\$ 440.00
Ferguson WW	2 ea. 10 x 8 Reducers	\$ 3,728.77
Ferguson WW	8" Flg X Flg Pipe 8' longs	Included
Ferguson WW	2 ea. 8" Bolt Kits	Included
Ferguson WW	2 ea. 10" Bolt Kits	Included
Core & Main	2 ea. 10" Filler Flanges	\$ 1,345.00
Ferguson WW	Rod + Nuts	\$ 105.00
	Concrete/Formwork	\$ 415.00
	Total	\$ 7,659.35

Rental

See attached invoices

Company	Item	Cost
N/a		
	Total	\$ -

Subcontract

See attached invoices

Company	Item	Cost
N/a		
	Total	\$ -

Cove All-In Labor

See proposal for rates (include OH&P)

Employee	Position	Total Hours	Rate	Extended Cost
1-man Crew	All in, including overhead	0.00	\$ 89.84	\$ -
2-man Crew	All in, including overhead	0.00	\$ 179.69	\$ -
3-man Crew	All in, including overhead	0.00	\$ 269.53	\$ -
4-man Crew	All in, including overhead	17.00	\$ 318.67	\$ 5,417.39
5-man Crew	All in, including overhead	0.00	\$ 347.81	\$ -
			Total	\$ 5,417.39

Final Cost

GRAND TOTAL

<i>Item</i>	<i>Cost</i>
Materials	\$ 7,659.35
Subcontract	\$ -
Rental	\$ -
15% Markup (mat, sub & rent)	\$ 1,148.90
Cove Labor (w/ OH&P)	\$ 5,417.39
Total	\$ 14,225.64

Summary of T&M Work

Due to existing site conditions, Cove had to replace some existing piping that was called to be reused as it wasn't suitable for service. In order to install new sleeve, new ductile iron spool pieces, megaflanges, coupling adapters, and flange kits were needed. All this existing piping had to be replaced in order to keep the new piping/connections at correct elevations.

Change Order Request #1: Existing RAS/WAS Header Piping Replacement

Cove Labor						Material/Rental/Sub		Day Task Description		Day Total Cost	
Employee	Start	Finish	Durat. (h:mm)	Labor Rate	Labor Cost	Invoice No	Supplier	Description	Material Cost		
4-man Crew	4/24/2025 2:00 PM	4/24/2025 5:00 PM	3:00	\$ 318.67	\$ 956.01		Ferguson WW	3 2N 150# RR FF 1/8 FLG PKG	\$ 36.00	WAS Suction pipe cut in sleeve, raised 90° and installed new sleeve. New ductile iron piping materials were needed to install new sleeve, due to existing conditions. Drove 50 minutes one way to Ferguson WW for new materials	
			0:00	\$ -	-		Ferguson WW	4 2N 150# RR FF 1/8 FLG PKG	\$ 14.52		
			0:00	\$ -	-		Ferguson WW	3 FLG COUP ADPT 3.96	\$ 240.00		
			0:00	\$ -	-		Ferguson WW	3 MEGAFLANGE FLG ADPT	\$ 174.42		
			0:00	\$ -	-		Ferguson WW	4 MEGAFLANGE FLG ADPT	\$ 120.00		
4/24/2025 Day Labor Total:			3:00	\$ 956.01	Day Material Subtotal:		\$ 584.94	Material Total w/ Markup:	\$ 672.68	\$ 1,628.69	
4-man Crew	4/30/2025 7:00 AM	4/30/2025 11:00 AM	4:00	\$ 318.67	\$ 1,274.68		Ferguson WW	3X60 H FGXPE CL BT DI SPL	\$ 1,040.64	WAS Discharge line & Man Meter- installed new piping materials in order to finally cut in sleeve.	
			0:00	\$ -	-		Ferguson WW	4X40 FLG XPE CL BT DI SPL	\$ 440.00		
			0:00	\$ -	-						
			0:00	\$ -	-						
			0:00	\$ -	-						
4/30/2025 Day Labor Total:			4:00	\$ 1,274.68	Day Material Subtotal:		\$ 1,480.64	Material Total w/ Markup:	\$ 1,702.74	\$ 2,977.42	
			0:00	\$ -	-		Ferguson WW	2 ea. 10 x 8 Reducers	\$ 3,728.77	Piping needed to complete RS Waag Meter and Valve installation. Different than what was anticipated.	
			0:00	\$ -	-		Ferguson WW	8" Fig X Fig Pipe 8' longs	Included above		
			0:00	\$ -	-		Ferguson WW	2 ea 8" Bolt Kits	Included above		
			0:00	\$ -	-		Ferguson WW	2 ea 10" Bolt Kits	Included above		
			0:00	\$ -	-						
4-man Crew Day Labor Total:			0:00	\$ -	Day Material Subtotal:		\$ 3,728.77	Material Total w/ Markup:	\$ 4,288.09	\$ 4,288.09	
	6/23/2025 7:00 AM	6/23/2025 5:00 PM	10:00	\$ 318.67	\$ 3,186.70		Core & Main	2 ea 10" Filler Flanges	\$ 1,345.00	2x5 Pump Filler Flanges needed to mount new pump to existing pipe centrifuges. New concrete for pump base to raise pump up by 8".	
			0:00	\$ -	-		Ferguson WW	Rod & Nuts	\$ 105.00		
			0:00	\$ -	-			Concrete/Formwork	\$ 415.00		
			0:00	\$ -	-						
			0:00	\$ -	-						
6/23/2025 Day Labor Total:			10:00	\$ 3,186.70	Day Material Subtotal:		\$ 1,865.00	Material Total w/ Markup:	\$ 2,144.75	\$ 5,331.45	
			0:00	\$ -	-						
			0:00	\$ -	-						
			0:00	\$ -	-						
			0:00	\$ -	-						
Day Labor Total:			0:00	\$ -	Day Material Subtotal:		\$ -	Material Total w/ Markup:	\$ -	\$ -	
LABOR GRAND TOTAL:				17.00 Hrs	\$ 5,417.39				Material GRAND TOTAL:	\$ 8,608.25	JOB Grand Total: \$ 14,225.64