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## May River oyster bed closures raise cleanup pressures

By Frank Morris

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Feces pollution readings are shutting down oyster harvesting in a four-mile stretch of the Bluffton Oyster Co.'s leased beds in the May River, and co-owner Larry Toomer is frustrated.

"It definitely hurts our production area, there's no question about that," he said Friday of the reclassification by the state Department of Health and Environmental Control. "It's very important. It's very valuable.

And I'll say the same thing I've been saying for the past 15 years since we started talking about these indicators: We've talked enough. It's time to stop talking and to get somebody's hands dirty and do something to fix the problem instead of laying the blame here and there and saying it's a naturally occurring event." Town officials said they are optimistic that the still-formulating May River Action Plan will restore the river's health and save oystering.

The Bluffton Oyster Co. holds state leases for harvesting beds from the May River's headwaters to Alljoy, Toomer said. He estimated the change closes about a third of the leased beds.

The downstream side of the leased area, from Alljoy to around Linden Plantation Road (about halfway between Buck Island Road and Buckwalter Parkway), remains unrestricted and safe for harvesting, according to DHEC.

The decision to close an approximately 900-acre upstream area to oyster harvesting for the next September- May season was made recently by DHEC, which does water sampling and regulates both public and leased beds to meet U.S. Food and Drug Administration regulations.

The closure decision was based on high fecal coliform sample averages over the past three years – a sign of potentially dangerous oyster contamination, Russell Berry, Region 8 environmental quality control director, said Friday.

The change will reclassify the roughly 900 acres from "conditional," which allows harvesting depending on conditions, to "restricted," which allows none. "We have to do what we do to protect public health," Berry

said. Berry and another DHEC official gave the news to oyster company co-owners Larry and Tina Toomer on Monday and then met with town of Bluffton officials about the change.

Fecal coliform is a sign of fecal matter carried by stormwater runoff into the river. The bacteria is “a naturally occurring organism, and itself isn’t harmful. But it’s an indicator species for potentially pathogenic organisms,” said Kim Jones, town natural resources manager.

“This (closure) is erring on the side of caution. This is consumption of shellfish. It can kill you.” Until last year, all of the river was classified as “approved” – making it unrestricted and open to harvesting except for periods after 4-inch rainfalls or during a hurricane or tropical storm warning. The change last year closed the uppermost headwaters, west from the May River Plantation area and past Rose Dhu and Stoney Creeks.

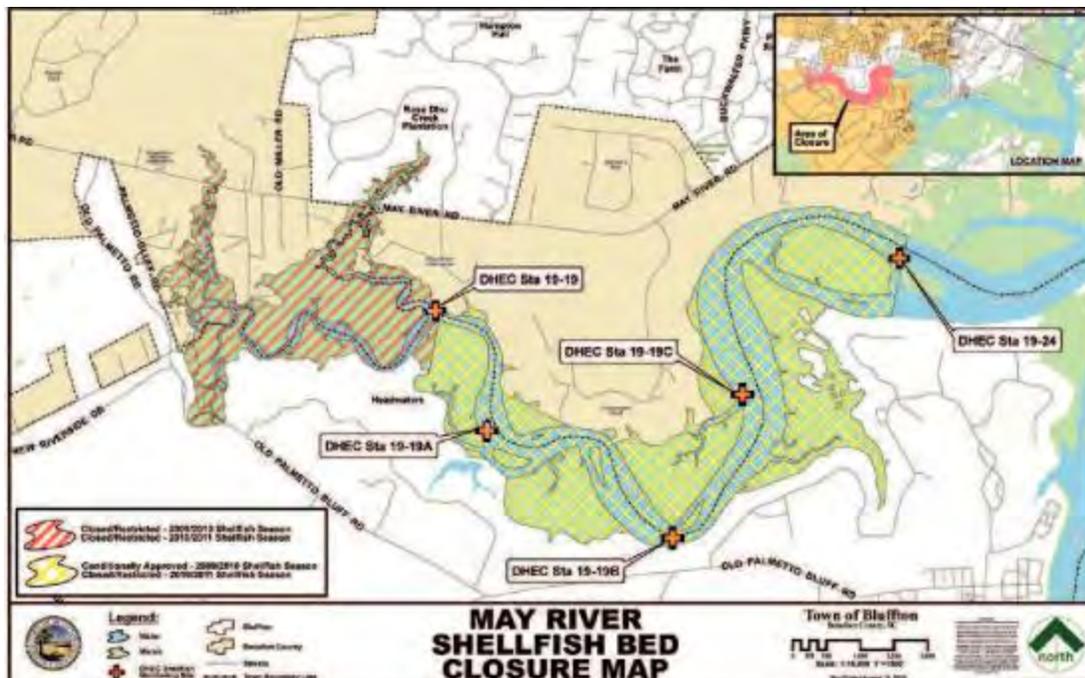
At the same time, DHEC officials decided to try a “conditional” classification for the area downstream to the next sampling station, so it could be harvested sometimes.

The conditional ranking closed harvesting for 14 days after a 1.1-inch rainfall and allowed reopening once sampling met safety standards. But last winter was so rainy the conditional classification didn’t work, leading to the decision to close the beds for the next season, Berry said.

Toomer said persistent rain last season limited harvesting in the conditional area.

“We lived through that last year but unfortunately we didn’t do much work at all (in the conditional area). You get 1.1 inches of rain, you’re automatically closed for 14 days.

It seemed like every time last year we’d get on or 11th or 12th day and get another 1.12 inches of rain – which is not a whole lot of rain, really.” With the reclassification, Toomer said, “We still have the same beds we had open last year the biggest part of the time, but the area is a very



### Harvesting area classification summary

- The area west of Station 19-19 was closed to shellfish harvesting last season and will be again.
- The area between Station 19-19 and Station 19-24 is closed to shellfish harvesting this coming season. This area was conditionally approved for shellfishing during the past year, depending on rain events and fecal levels determined by DHEC testing.
- By DHEC regulations, the area was open for shellfishing during the past year for about 2 weeks
- Station 19-24 is showing acceptable fecal coliform levels with respect to shellfish harvesting.
- Station 19-19C is showing acceptable fecal coliform levels with respect to shellfish harvesting
- Station 19-19B is showing fecal coliform levels right at the threshold level with respect to shellfish harvesting

- Station 19-19A and 19-19 are above acceptable fecal coliform levels with respect to shellfish harvesting
- To be used by DHEC to classify shellfish waters, a station must have 3 years worth of data. Station 19-A, 19-B, and 19-C only have 1 year of data at this time
- If conditions stayed the same for the next 2 years, the area from Station 19-19B to 19-24 could be reopened for shellfish harvesting



productive area that's closed. It's four miles of area that we could (harvest), and normally every area we work. It's probably a third of our entire lease.

"When you close one area, you have to work the other areas so much harder they don't have the come-back power or time to regenerate. It's making us over-stress our remaining acreage, so to speak."

DHEC's shellfish sanitation program reclassifies shellfish beds annually, based on analysis of a data base from a minimum 30 samples DHEC draws monthly to test fecal coliform levels at designated monitoring stations over the three previous calendar years.

When a change in fecal coliform levels at one station triggers a reclassification, the revision goes to the nearest monitoring station with a better rating. On the May River, the downgraded area runs east from DHEC monitoring station No. 19-19, near Rose Dhu Creek's mouth on the May, to Station No. 19-24 at Crane Island, roughly halfway between Buck Island Road and Buckwalter Parkway's intersections with May River Road (S.C. 46). The extreme headwaters area west of Rose Dhu Creek was downgraded to restricted last year and will keep that closed status.

DHEC told town officials in late 2008 that Station 19-19 was a fecal coliform hot spot and might trigger a closure of harvesting in the headwaters. In response, town officials declared a "May River War Plan" to reverse rising fecal coliform and enlisted Beaufort County as a partner.

The "war plan" led to the town getting \$483,500 EPA Clean Water Act grant from DHEC in 2009 "for developing and implementing best management practices to reduce loading of bacteria to the May River," according to David Baize, DHEC Bureau of Water assistant bureau chief. That "is the best long-term solution to keeping the shellfish harvesting in the May River open and safe for consumption," Baize said in a letter to the town.

The "war plan" has evolved into formulation of a May River Action Plan.

Also last year, DHEC established three new monitoring stations between Stations 19- 19 and 19-24 to allow more sampling and smaller classification areas once the first "rolling average" of 30 samples from the new stations was accomplished.

Officials considered increasing sampling to more than once a month to reduce the reclassification time period, using town and county paid sampling and testing at the town-funded lab at the University of South Carolina Beaufort. But that idea was dropped after it was determined the lab also would need to get FDA level certification.

Decision makers asked, "Is that the town's function, is that the town's mission, to run an FDA-certified lab?" Jones said Thursday.

Berry said DHEC does not have the resources to do more than monthly sampling.

Toomer said he'd like to see more sampling because that could reopen the closed area sooner.

Under the current schedule, Carmack and Berry said the good news is that roughly the upstream half of the newly closed area could be reopened for the season starting September 2012 – if the pattern holds for acceptable fecal coliform levels found to date.

With the May River Action Plan, "I really do think we have a solution," Carmack said Thursday. "I do think it will make a difference, and a statistical difference."

A Friday news release from Marc Orlando, assistant town manager for growth management, highlighted the town's "numerous efforts to lower the fecal coliform levels in the May River."

The release notes the Town Council voted Aug. 10 for the staff to "prioritize finishing the May River Watershed Action Plan ... to develop and implement an effective plan to restore shellfish harvesting status to all of the May River."

Grant efforts specifically focus on reducing fecal coliform levels at Station 19- 19 near the New River and include:

- "Arranging a Stormwater Best Management Practices Pilot Project which will address approximately 20 percent of the Station 19-19 drainage area.
- "A Unified Code Overhaul Project that addresses land use and zoning from a watershed perspective
- "A septic system inspection, cleanout, and replacement program
- "And a rain barrel/rain garden installation project."

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