

ENVIRONMENTAL MANAGEMENT COMMISSION

CERTIFICATE AUTHORIZING BRUNSWICK COUNTY TO TRANSFER WATER FROM THE CAPE FEAR RIVER BASIN TO THE WACCAMAW AND SHALLOTTE RIVER BASINS UNDER THE PROVISIONS OF G.S. 143-215.22L AND SESSION LAW 2013-388

Based on the hearing record and the recommendation of the hearing officers, the Commission, on November 14, 2013 by duly made motions concludes that by a preponderance of the evidence based upon the Findings of Fact stated in the hearing officers report that (1) the benefits of the modification outweigh the detriments of the modification, and (2) the detriments of the modification will be mitigated to a reasonable degree. Therefore, and by duly made motions, the Commission grants Brunswick County's request to a transfer amount that shall not exceed a maximum of 17 million gallons, calculated as a daily average of a calendar month, from the Cape Fear River Basin to the Shallotte and Waccamaw River Basins, with the following conditions:

- 1) This Certificate does not exempt the Certificate Holder or any other entity from compliance with any other requirements of law.
- 2) If the Commission determines that the record on which this Certificate is based is substantially in error or if new information becomes available that clearly demonstrates that any Finding of Fact (including those regarding environmental, hydrologic, or water use impacts) pursuant to G.S. § 143-215.22(f) was not or is no longer supported or is materially incomplete, the Commission may reopen and modify this Certificate to ensure continued compliance with G.S. ch. 143, art. 21, part 2A.
- 3) The Certificate Holder shall implement drought management measures that become more stringent as drought conditions increase in severity. Prior to receiving any water under this Certificate, the Certificate Holder shall submit a Water Shortage Response Plan ("Plan") to the Division, for the Division's approval. The Certificate Holder shall receive approval of the Plan from the Division, and shall have and maintain adequate authority and resources to implement and enforce the Plan. In order to be approved, the Plan must meet or exceed the requirements set forth in 15A NCAC 2E .0607 and be no less stringent than the Plan in Appendix D, which is incorporated herein. Any subsequent modifications to the Plan will be reviewed and approved by the Division. Adoption of the measures in Attachment A does not imply compliance with G.S. 143-355(l) or 15A NCAC 2E .0607. The Certificate Holder shall not transfer any water to any other unit of local government unless that unit of local government agrees to be bound by this condition in full.
- 4) The Certificate Holder shall report annually to the Division. The report shall detail water use over the calendar year by providing the following information:
 - **Daily Average Water Transfer Amount Calculated over Each Calendar Month.** Brunswick County shall calculate daily average surface water interbasin transfers taking into account the Brunswick County Public Utilities' own metered water use for each billing cycle from the Northwest Water Treatment Plant (WTP) with separate data provided for customers in the Shallotte Interbasin Transfer (IBT) River Basin and the Waccamaw IBT River Basin. The groundwater use from the 211 WTP and other groundwater sources shall be excluded from the daily average surface water transfer calculation. The daily average transfer calculation shall also take into account Brunswick County's wastewater treatment facilities and water reclamation facilities average daily and maximum month flow as well as consumptive uses.

- **Drought Management Activities.** In the event of public water supply shortages, the County shall report on any Stage 1, 2, and 3 water use restrictions implemented by municipalities in the Shallotte IBT River Basin, pursuant to regulations as stipulated in Section 1.4.1 of the Environmental Assessment Brunswick County Interbasin Transfer (June 2013), or pursuant to any amendments of such water use restriction regulations.
- **Mitigation Measures.** In addition to existing measures to reduce water usage discussed in Section 1.4 of the Environmental Assessment Brunswick County Interbasin Transfer (June 2013), the county shall conduct a study of the potential for aquifer storage and recovery at 211 WTP, a feasibility study of residential water reuse at the Town of Saint James, a customer leak detection program, and a distribution system leak detection and repair program as potential means to reduce withdrawal and transfer of surface water.

This certificate is effective immediately. This is the 26th day of November, 2013.



Benne C. Hutson, Chairman