Proposed Interbasin Transfer Certificate Modification
Towns of Cary, Apex, Morrisville and Wake County

Public Hearing
Town of Apex Public Works Building
January 7, 2015
Outline

• IBT Basics
  – What is a transfer?
• Cary & Apex Regional IBT Project
  – Description
  – Timeline
  – Statutory Process
• Final Decision = EMC
Definition & Purpose

• The withdrawal of *surface water* from one river basin and discharge of all or any part of the water in a river basin different from the origin.

• The purpose of the Interbasin Transfer Law is to ensure it is good public policy to move water from one river basin into another.
Simplified View of IBT

- Transfer = Withdrawal – Return
- **Net Transfer, Not Gross**

The amount of a transfer is determined by the amount of water moved from the source basin to the receiving basin, less the amount of water returned to the source basin.
Major River Basins & Sub-Basins in North Carolina
As defined in G.S. 143-215.22G

Legend
- Sub-Basin River Boundary
- Major River Basin Boundary
- County Boundary

Division of Water Resources
919-733-4064
Statutory Thresholds and Changes

• 2 million gallons per day (mgd) or more, calculated as a daily average of a calendar month.
  • Not to exceed 3 mgd maximum day.
  • Increase an existing/grandfathered transfer (exceeding 2 mgd) determined by the system capacity as of July 1, 1993.

• The NC General Assembly has made at least eight significant changes to the 1993 IBT Law.
  • Six IBT Certificates have been issued.
  • Current statute § 143-215.22L had significant revisions in Session Law 2013-388 (codified as § 143-215.22L.(v)).
    – Provided a process for modifying an issued Certificate.
    – Changed the measuring statistic from maximum annual day to average day over a calendar month.
IBT Certificate Modification

§ 143-215.22L.(v)

• The Commission or the Department may make any of the following modifications to a certificate:
  a) Correction of typographical errors.
  b) Clarification of existing conditions or language.
  c) Updates, requested by the certificate holder, to a conservation plan, drought management plan, or compliance and monitoring plan.
  d) Modifications requested by the certificate holder to reflect altered requirements due to the amendment of this section.
<table>
<thead>
<tr>
<th><strong>Proposed Project Description</strong></th>
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<tr>
<td><strong>Primary Applicant:</strong></td>
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<td><strong>Source Basin:</strong></td>
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<td><strong>Receiving Basins:</strong></td>
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<td><strong>Existing IBT Certificate:</strong></td>
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<td><strong>Average Daily over Maximum Month IBT request based on 2045 demand:</strong></td>
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<td><strong>Existing IBT Certificate Equivalent:</strong></td>
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<td><strong>Existing IBT (2013 data):</strong></td>
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<tr>
<td>Haw to Neuse (2013 data):</td>
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<td>Haw to Cape Fear (2013 data):</td>
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<tr>
<td><strong>Total Requested IBT:</strong></td>
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<td>Haw to Neuse:</td>
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<td>Haw to Cape Fear:</td>
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Cary/Apex Regional Water Systems
Environmental Assessment

Types of Impact Analyses in EA

Jordan Lake Water Surface Elevation Comparisons

- Existing allocation of 39% of the water supply pool (~39 mgd) is sufficient to satisfy the proposed IBT modification.
- Modeled results show no significant impacts of transfer
  - Lake levels during extreme drought
  - Downstream low flow duration

- [http://www.ncwater.org/?page=473](http://www.ncwater.org/?page=473)
Requirements of IBT Statute
Modification to an Existing IBT certificate

I. Applicant submits Notice of Intent to file a request for modification.

II. Applicant prepares environmental document (EA) pursuant to State Environmental Policy Act (SEPA).

III. NCDENR publishes a request for modification in the NC Register.

- Public hearing for modification request
- Comments accepted for 30 days following hearing
- NCDENR submits document to State Clearinghouse for public comment (30-day period)
- Adequacy Determination

EMC ISSUES
FINAL DETERMINATION

NCDENR prepares written response to comments (i.e. hearing officers report)
Project Timeline

- **July 2001**: Current IBT Certificate Issued
- **September 2013**: NOI submitted to EMC
- **August 2014**: Completion of Western Wake Regional WWTP
- **September 2014**: Draft Environmental Assessment submitted to DWR
- **December 2014**: Environmental Assessment submitted for Public Comment
- **January 2015**: Public Hearings
- **March 2015**: Determination by EMC
Role of EMC

Findings of Fact

• The EMC may grant the modification request in whole or in part, or deny it, and may require mitigation measures to minimize detrimental effects. In making this determination, the EMC is required to specifically consider:
  – The necessity, reasonableness, and beneficial effects of transfer amount
  – Detrimental effects on the source river basin
  – Detrimental effects on the receiving basin
  – Reasonable alternatives to the proposed transfer
  – Use of impounded storage
  – Purposes and water storage allocations in a US Army Corps of Engineers multipurpose reservoir
  – Compare the water system service area to the locations of both the source and receiving basins
  – Any other facts or circumstances
Contact Information

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