

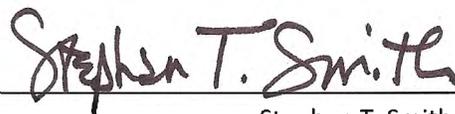
ENVIRONMENTAL MANAGEMENT COMMISSION

**Modification of Certificate Authorizing the Charlotte Mecklenburg Utilities to Transfer Water
From the Catawba River Basin to the Rocky River Basin Under The Provisions of G.S. 143-
215.221**

Based on the hearing record and the recommendation of the hearing officers, the Commission, on May 9, 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 the Charlotte Mecklenburg Utilities request to remove Condition 3 from its March 2002 Interbasin Transfer Certificate. This modification does not affect the permitted transfer amount of 33 million gallons per day (MGD) on a maximum day basis, from the Catawba River Basin to the Rocky River Basin. The remaining conditions of the original certificate remain unchanged and are as follows:

- 1) Mecklenburg County is required to summarize progress in the implementation of watershed management approaches of the Surface Water Improvement and Management Program (SWIM) on an annual basis. The Division of Water Resources shall have the authority to approve modifications and need for continued reporting as necessary.
- 2) Mecklenburg County and the City of Charlotte are required to continue the stakeholder process to investigate water quantity control from single-family development and water quality control for all development until completed. To accomplish this end, the stakeholder group should consider evaluating the feasibility of single-family detention and recommending ordinance revisions based on technical, political, long-term maintenance, cost, and benefits relating to the proposed ordinance changes.
- 3) If the EA is found at a later date to be incorrect or new information becomes available such that the environmental impacts associated with this transfer are substantially different from those projected impacts that formed the basis for the Finding of Fact and this certificate, the Commission may reopen the certificate to adjust the existing conditions or require new conditions to ensure that the detriments continue to be mitigated to a reasonable degree.
- 4) The certificate holder is required to develop a compliance and monitoring plan for reporting maximum daily transfer amounts, compliance with certificate conditions, progress on mitigation measures, and drought management activities. The Division of Water Resources shall have the authority to approve modifications to the compliance and monitoring plan and drought management plan as necessary.

This certificate is effective immediately. This is the 9th day of May, 2013.



Stephen T. Smith, Chairman