North Carolina
Division of Water Resources

Interbasin Transfer
Law & Process

Harold Brady
Water Planning Section
Outline

I. Inter-Basin Transfer Definition
II. Planning and Reporting Considerations
III. Statutory Requirements and IBT Process
IV. EMC Decision Considerations
What is an Interbasin Transfer?

An interbasin transfer is the movement of surface water from one river basin into another.
What is an Interbasin Transfer?

Transfer = Withdrawal - Return

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.

Example A:
Water is withdrawn from one basin and discharged into another.

Example B:
Water is returned to source basin but consumed elsewhere.
The Reality of IBT

River Basin Boundary

Small Town #1

Large Town

Small Town #2

Lake

WWTP

Discharge Receiving Stream

WTP

River Basin Boundary

Discharge Receiving Stream
Statutory Requirements
History of Interbasin Transfer Law

- Starting in 1955, statutes require state approval in some circumstances.
- Beginning in 1959, General Assembly began to attach anti-diversion riders.
- In 1991, the existing basin definitions were passed (NC G.S. §143-215.22G)
- 1993 Interbasin Transfer Law (NC G.S. §143-215.22I)
- 2007 major amendment to the Interbasin Transfer Law (NC G.S. §143-215.22L).
- 2013 certificate based on average day instead of maximum daily withdrawals (SL 2013-388)
IBTs are now based on average day flows, calculated on a monthly basis.

Transfers that require a certificate are:

- 2 MGD or more average daily, or
- 3 MGD or more maximum daily, or
- Hold a grandfathered certificate

Certificates are not limited to local governments. They can be issued to any “person” responsible for a transfer.
I. Applicant submits Notice of Intent to file a petition.

- 30 days notice of scoping meetings
- 3+ Public meetings held within 90 days of NOI submittal
- Comments accepted for 30 days after last meeting

II. Applicant submits draft environmental document (EIS or EA).

- 30 days notice of public hearing
- EMC holds a public hearing
- Comments accepted for 30 days after hearing
- EMC prepares written responses to comments
- Settlement discussions, if requested
- EMC determines adequacy of environmental document

III. Applicant submits petition to EMC.

- EMC issues Draft Determination within 90 days of receiving petition
- Public notice of draft determine and 30-day notice of hearings
- 2+ Public hearings held within 60 days of draft determination
- Comments accepted for 30 days after last hearing
- EMC prepares written response to comments

EMC ISSUES FINAL DETERMINATION
Findings of Fact

- The EMC may grant a Petition 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:
Findings of Facts

EMC Decision Considerations

- The necessity, reasonableness, and beneficial effects of transfer amount
- Detrimental effects on the source river basin
  - The cumulative effect of uses on the source major 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 service area of the applicant to the locations of both the source and receiving basins?
- Any other facts or circumstances
Contact Information:

harold.m.brady@ncdenr.gov

(919)715-9005

http://www.ncwater.org