Regulation of Surface Water Transfers

- North Carolina Administrative Code Section T15A:02G.0400

River Basin Management Section
North Carolina Division of Water Resources
Regulation of Surface Water Transfers

- North Carolina Administrative Code Section T15A:02G.0400

- Effective January 1994
  - Modified in 1997 & 1998

- EMC certification required for:
  - New transfers of 2 MGD or more
  - Increase in existing transfers of 25% or more based on the year ending 7/1/1993, if 2 MGD or more
  - Increase in transfer capacity that existed or under construction on 7/1/1993
  - Owner of the pipe crossing the basin boundary is responsible for obtaining the certification

- Sound basis for evaluating transfer requests
  - public notice
  - public hearing
  - technical documentation
Transfer = Withdrawal - Return

143-215.22G(3) "Transfer" means the withdrawal, diversion, or pumping of surface water from river basin and discharge of all or any part of the water in a river basin different from the origin.

T15A:02G.0401(a) The amount of the transfer shall be 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.
Upstream/Downstream Exemption (Cork Rule)

143-215.22G(3) The following are not transfers:
- The discharge of water upstream from the point where it is withdrawn.
- The discharge of water downstream from the point where it is withdrawn.

T15A:02G.0401(b) The following are not transfers:
1. The discharge point is situated upstream of withdrawal point such that the water discharges will naturally flow past the withdrawal point.
2. The discharge point is situated downstream of the withdrawal point such that the water flowing past the withdrawal point will naturally flow past the discharge point.
Who is responsible?

T15A:02G.0401(c) The person owning the pipe or other conveyance that carries the water across the basin boundary shall be responsible for obtaining the certificate.

**Basin A**

**Example - 1**
Town A owns pipeline at basin divide. Town A responsible for certification.

**Basin B**

**Example - 2**
Town B owns pipeline at basin divide. Town B responsible for certification.

**Basin A**

**Example - 3**
Town A owns pipeline at basin divide. Town A responsible for joint certification, including towns A, B, and C.
Transfer Documentation

- Conservation measures
- Necessity, reasonableness, and beneficial effects
- Present and future detrimental effects
  - water supply needs
  - wastewater assimilation
  - water quality
  - fish and wildlife habitat
  - recreation
  - navigation
- Reasonable alternatives
- Drought Management Plan
Public Hearing Notice

● Published in:
  ● NC Register
  ● Newspapers

● First-class mail to:
  ● Registered withdrawals
  ● Other transfer certificate holders
  ● NPDES dischargers downstream
  ● County Commissioners
  ● Public water systems
A Typical NC Transfer

Year 2030 Water Movement in Cary, Apex, Morrisville, and RTP

LEGEND
- Water Use in the Cape Fear River Basin
- Water Use in the Neuse River Basin
- Consumptive Water Use in the Cape Fear River Basin
- Consumptive Water Use in the Neuse River Basin
- City Boundaries
- Basin Boundary
Questions?