

Status of Interbasin Transfers in NC

Regulation of Surface Water Transfers

The Schizophrenic Statute -- What Is It?

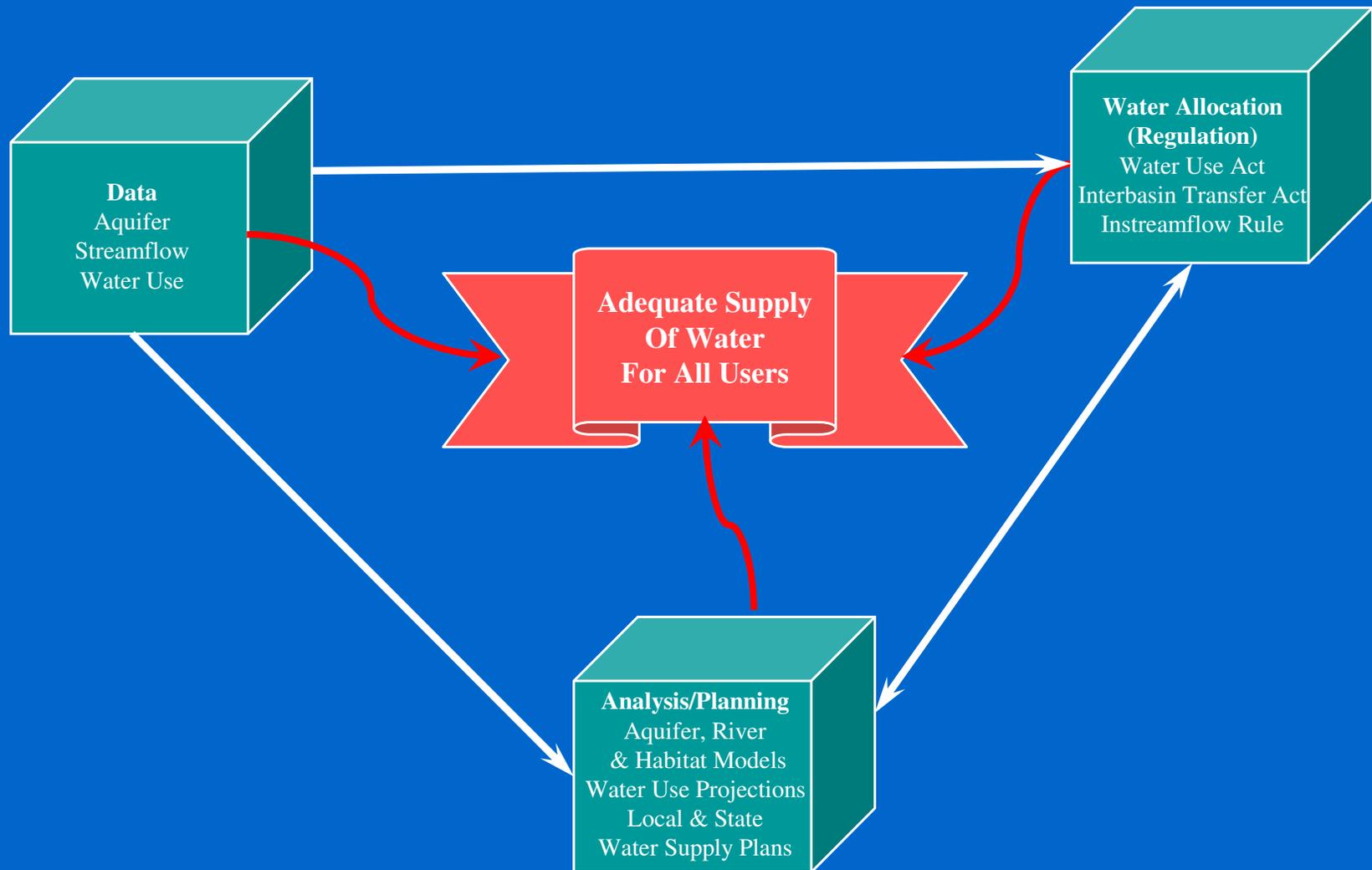
An Environmental Permit or Pseudo-Rule Making or a Policy Statement or a Pseudo-Property Right?

Tom Fransen

Water Allocation Section

North Carolina Division of Water Resources

Water Supply Management Program Relationships

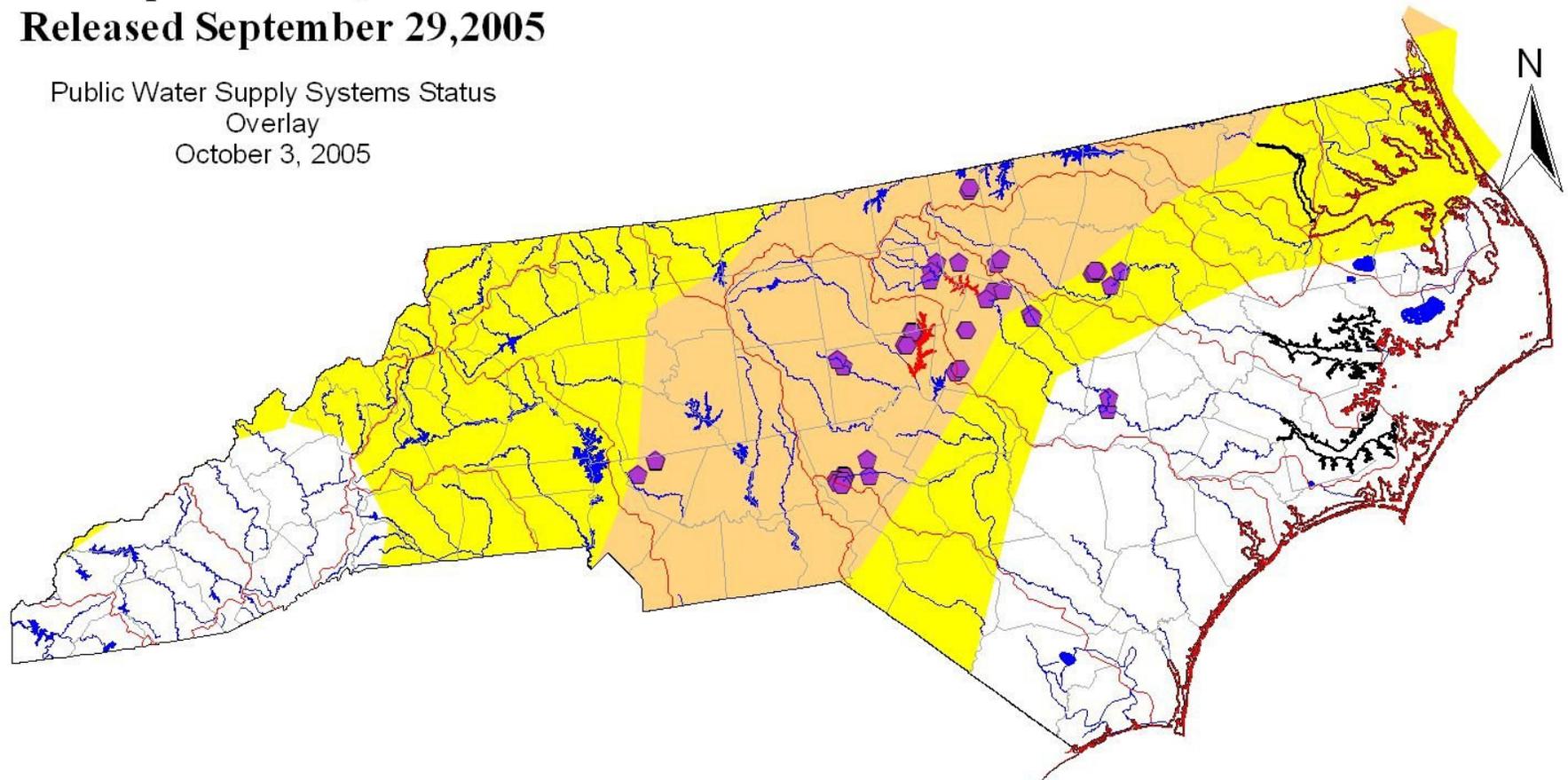


Planning & Data

September 27, 2005

Released September 29, 2005

Public Water Supply Systems Status
Overlay
October 3, 2005



Relationship of DENR Water Programs



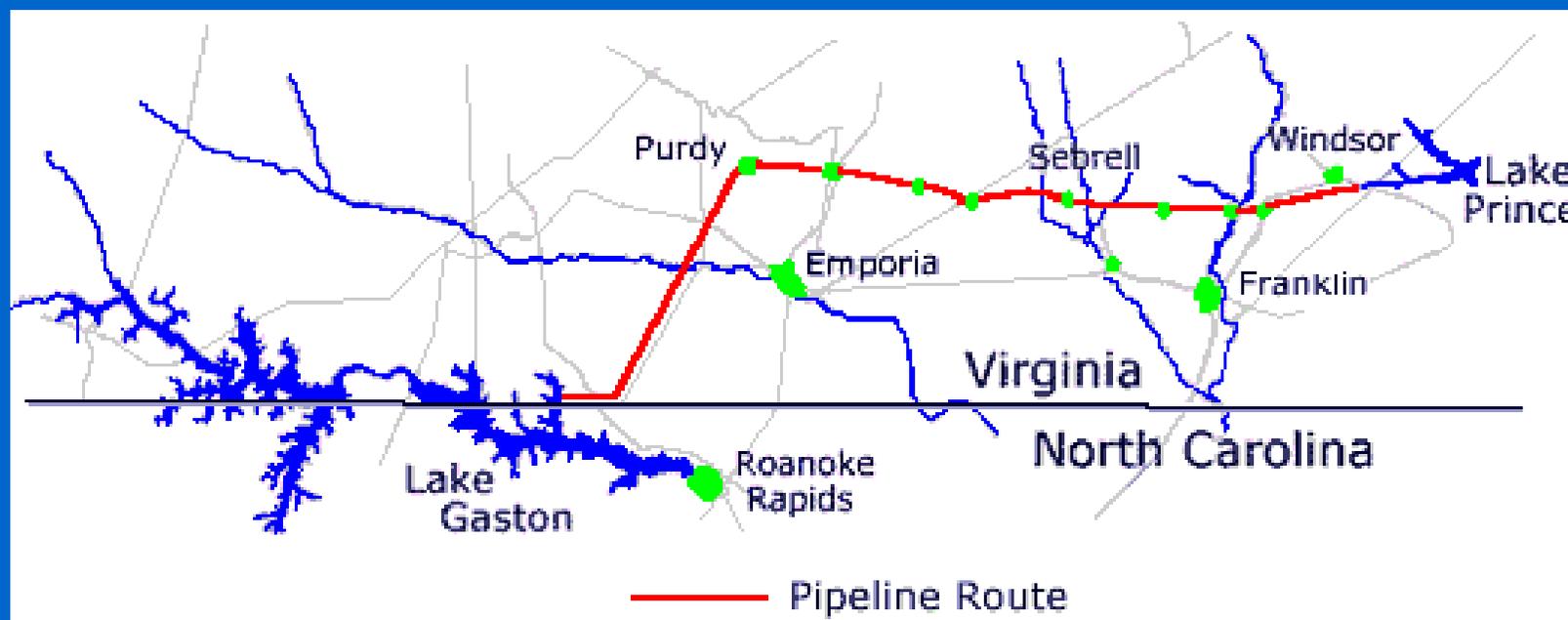
What is an Interbasin Transfer?

An interbasin transfer is the movement of *surface water* from one river basin into another.

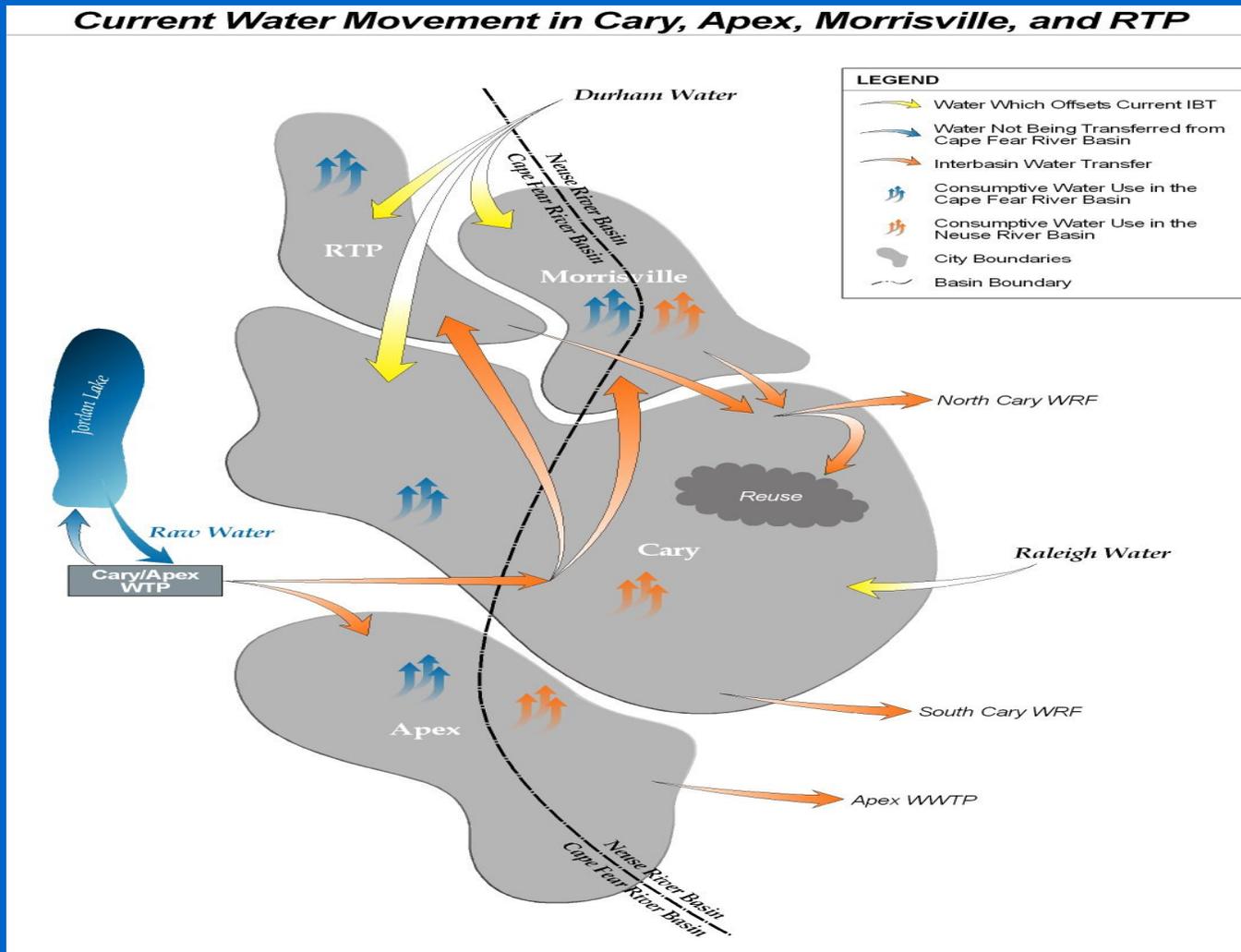
The purpose of the Interbasin Transfer Law is to take a pause to be sure it is good public policy to move the water from one river basin into another.

The Interbasin Transfer Law does **NOT** prohibit transfers.

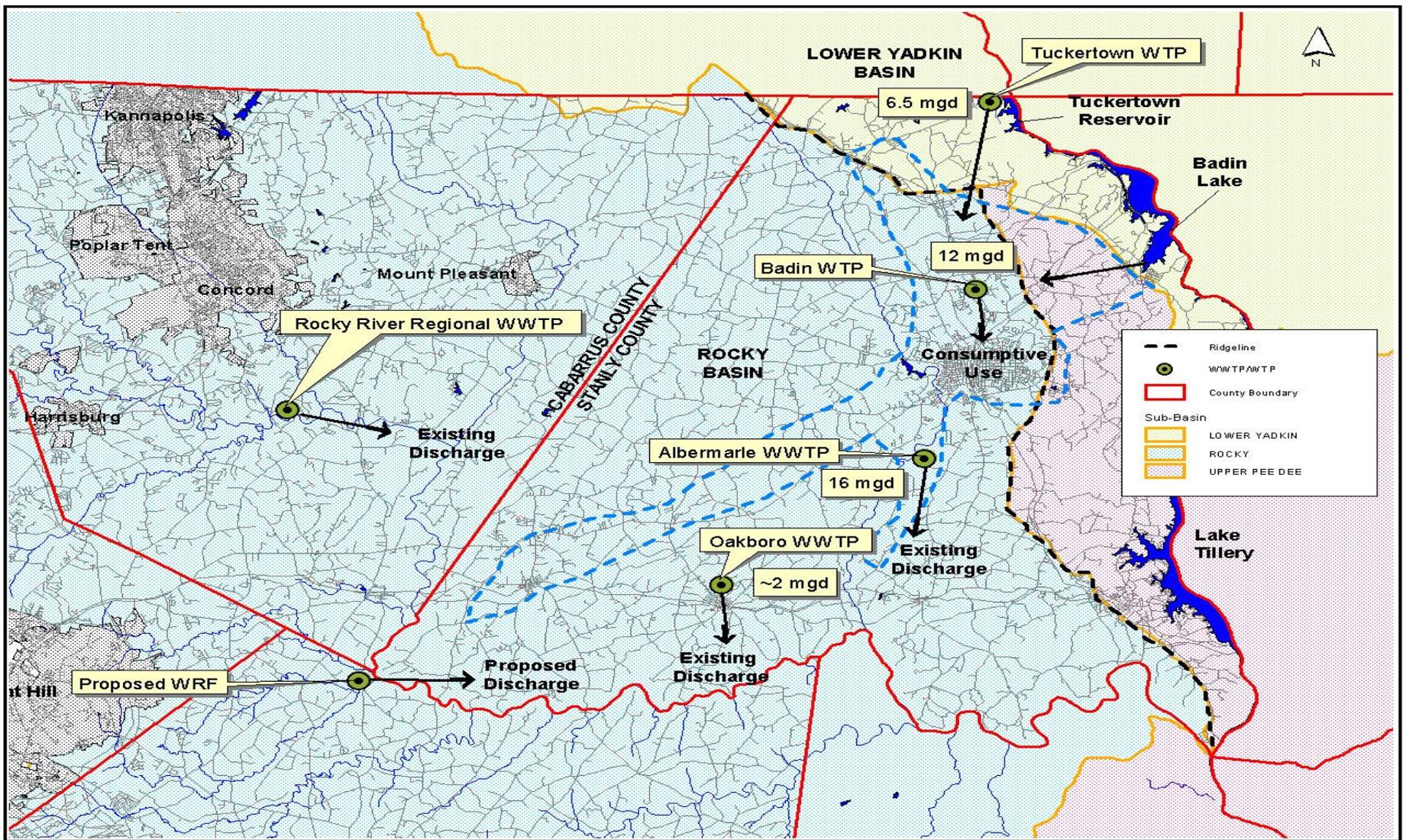
The image most people have when they think about interbasin transfer.



The NC reality.



Another Example of the NC Reality



Regulation of Surface Water Transfers

- North Carolina Statute G.S. 143-215.22G & G.S. 143.215.22I
- 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 (**maximum daily demand**)

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

Two certifications issued since enacted

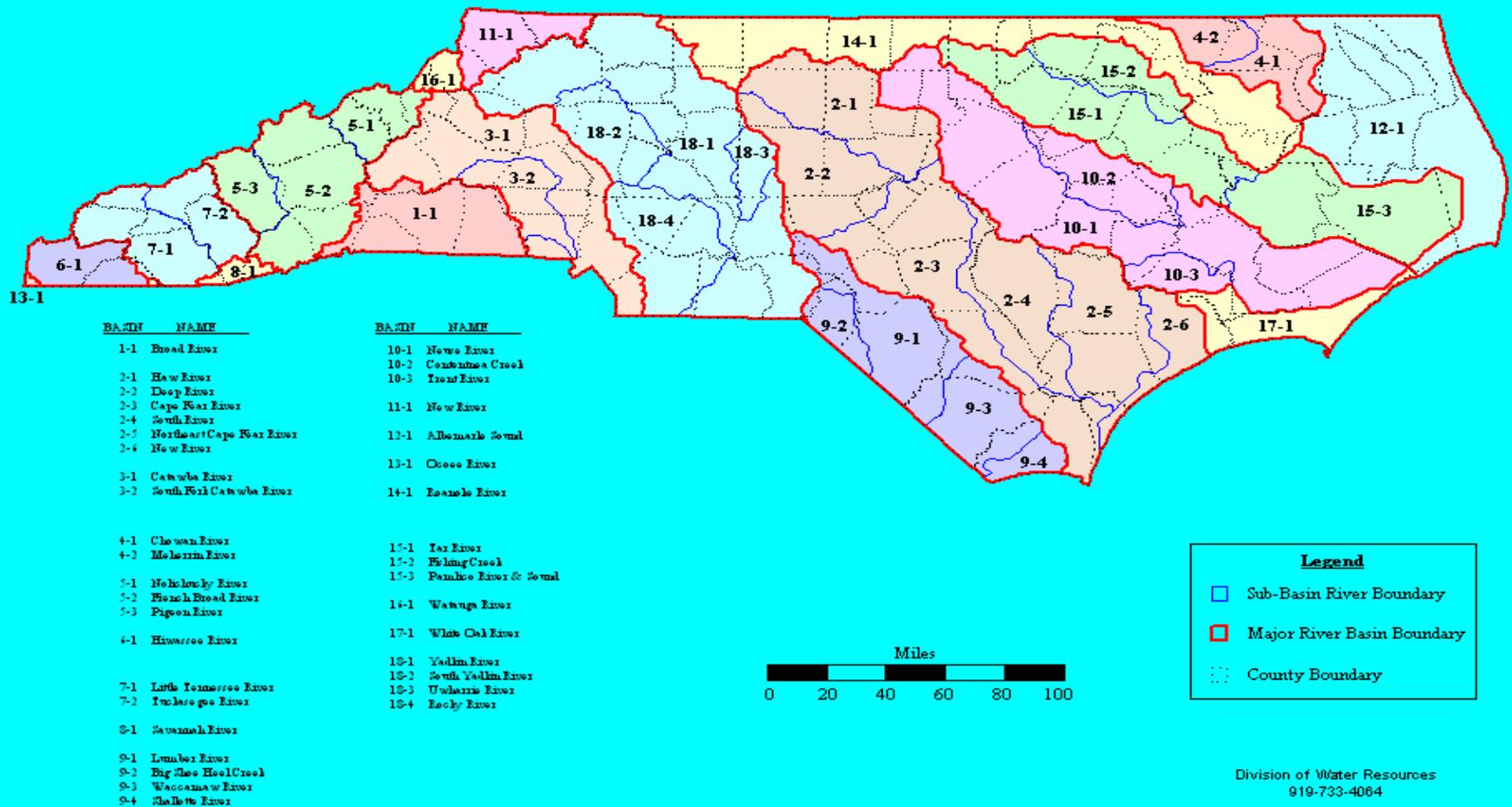
1998 Greensboro Emergency Certification (never used)

July 2001 Cary/Apex/Morrisville/Wake County (for RTP South)

March 2002 Charlotte-Mecklenburg Utilities

Interbasin Transfer Basin Definitions

Major River Basins & Sub-Basins in North Carolina





North Carolina Interbasin Transfers of 2 MGD or Greater, 1997 LWSP Data

Transfers Between Major River Basins

Water System	Source Basin	Receiving Basin	Estimated Average	*Estimated Maximum
			Daily Transfer (MGD)	Daily Transfer (MGD)
1King's Mountain	Broad (1-1)	Catawba (3-1)	1.2	1.9
2Brunswick Co	Cape Fear (2-3)	Shalote (9-4)	1.9	3.0
3Charlotte Mecklenburg	Catawba (3-1)	Rocky (18-4)	9.0	14.4
4Union County	Catawba (3-1)	Rocky (18-4)	5.6	9.0
5High Point	Deep (2-2)	Yadkin (18-1)	4.4	7.0
6Cary/Apex/Mrsvle/HS/RTP	Haw (2-1)	Neuse (10-1)	9.5	15.2
7Durham	Neuse (10-1)	Haw (2-1)	18.0	28.8
8Kerr Lake RWS	Roanoke (14-1)	Tar (15-1)	1.3	2.1
9Asheboro	Uwharrie (18-3)	Deep (2-2)	4.6	7.4
10Concord/Kannapolis	Catawba (3-1)	Rocky (18-4)	15.0	24.0
Estimated Total Transfer between Major Basins			70.5	112.9

Transfers Between Subbasins

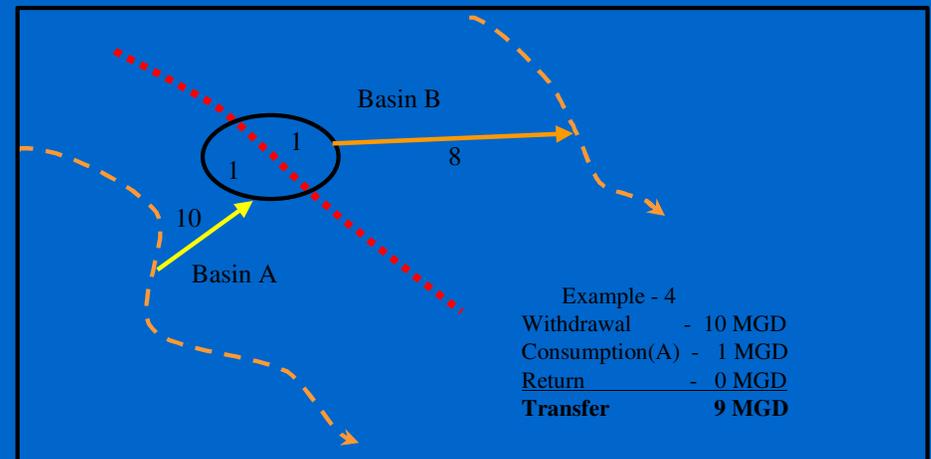
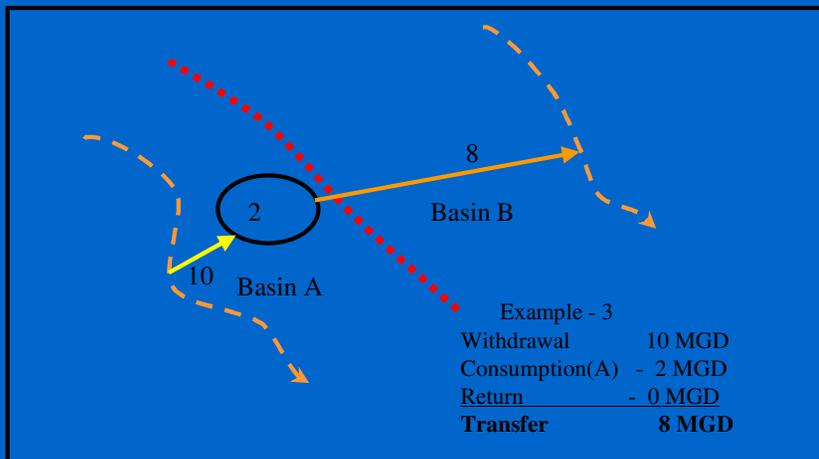
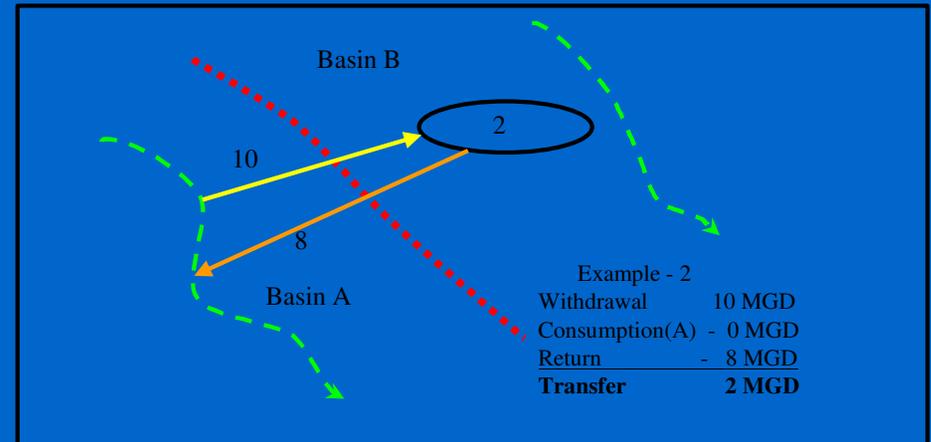
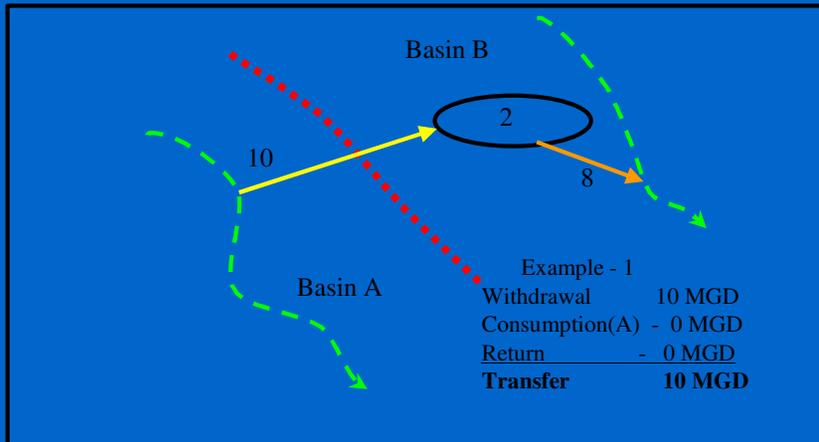
1Dunn	Cape Fear (2-3)	South (2-4)	1.2	1.9
2Sanford	Cape Fear (2-3)	Deep (2-2)	1.6	2.6
3Wilmington	Cape Fear (2-3)	Northeast Cape Fear (2-5)	4.6	7.4
4Gastonia	Catawba (3-1)	South Fork Catawba (3-2)	8.4	13.4
5Hickory	Catawba (3-1)	South Fork Catawba (3-2)	5.1	8.2
6Longview	Catawba (3-1)	South Fork Catawba (3-2)	1.3	2.1
7Kannapolis	South Yadkin (18-2)	Rocky (18-4)	4.5	7.2
8Albemarle	Yadkin (18-1)	Rocky (18-4)	8.5	13.7
9Statesville	Yadkin (18-1)	South Yadkin (18-2)	5.0	8.0
Estimated Total Transfer between Subbasins			40.2	64.3



Transfer = Withdrawal - Return

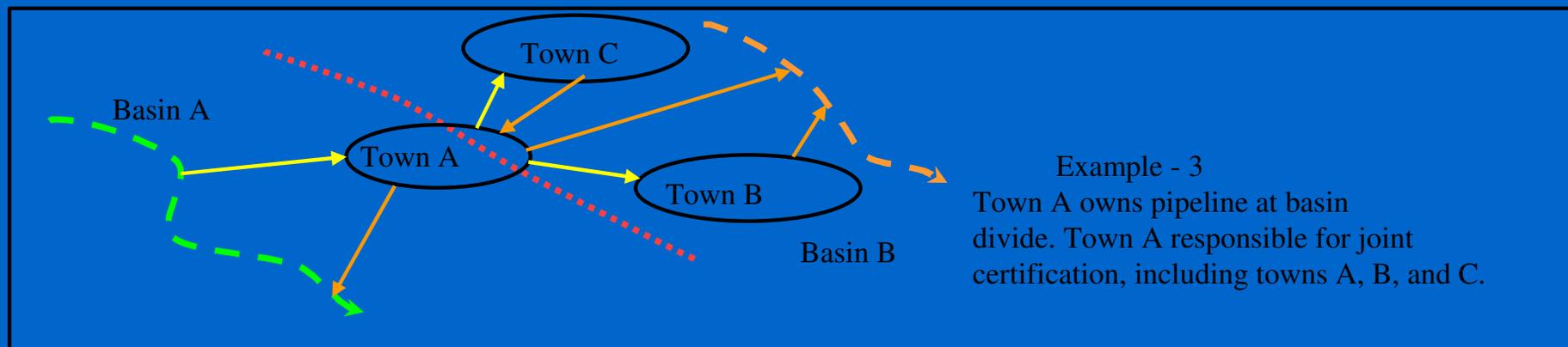
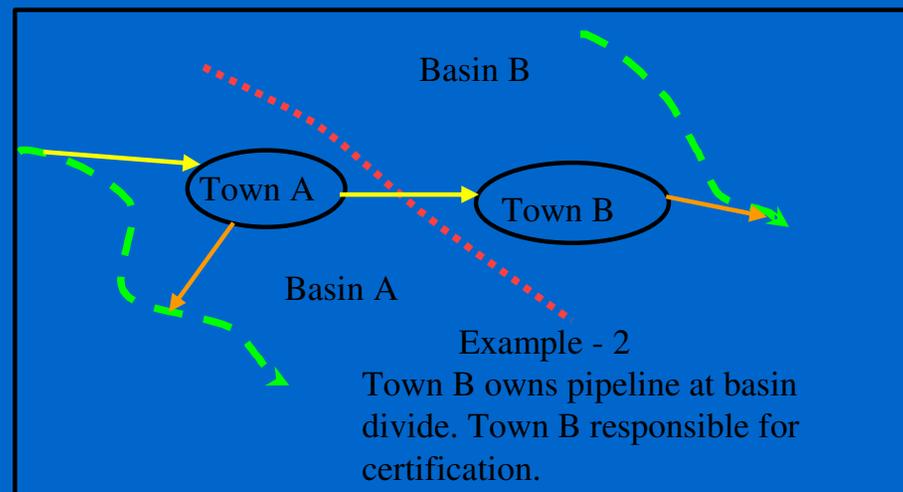
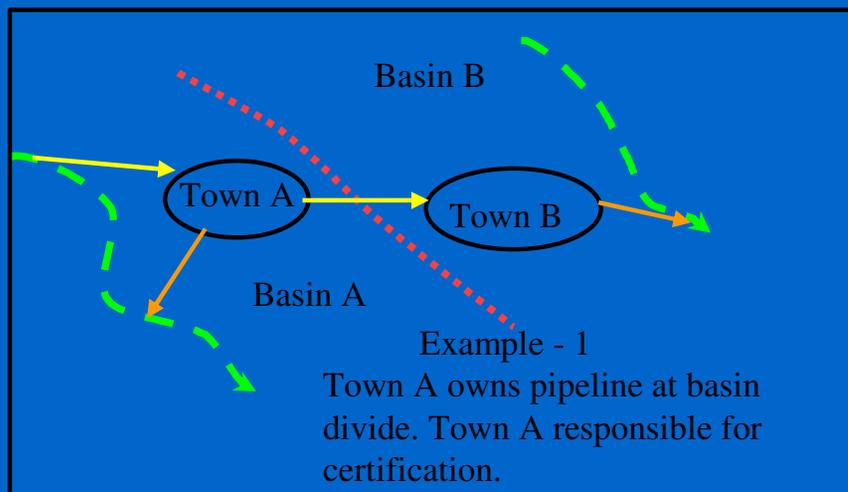
143-215.22G(3) "Transfer" means the withdrawal, diversion, or pumping of surface water from river basin and discharge of all or any part of the water in a river basin different from the origin.

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.



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.



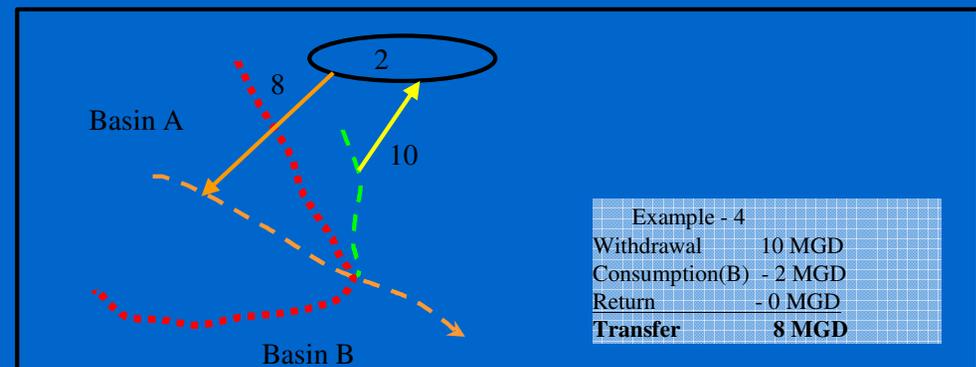
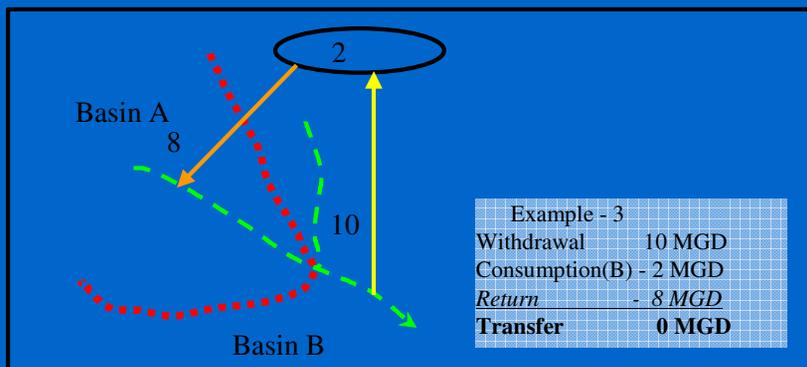
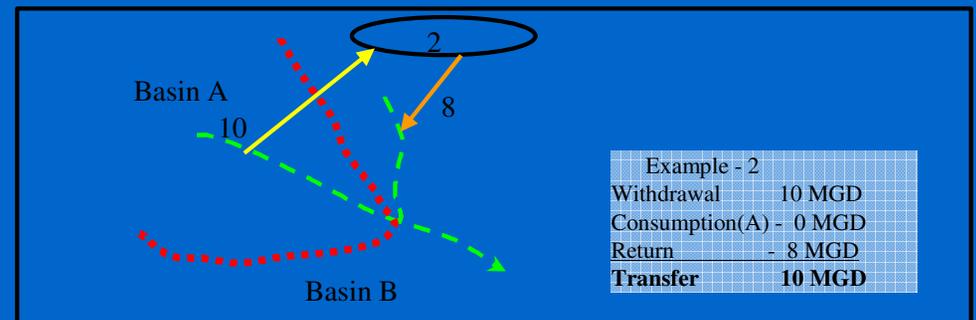
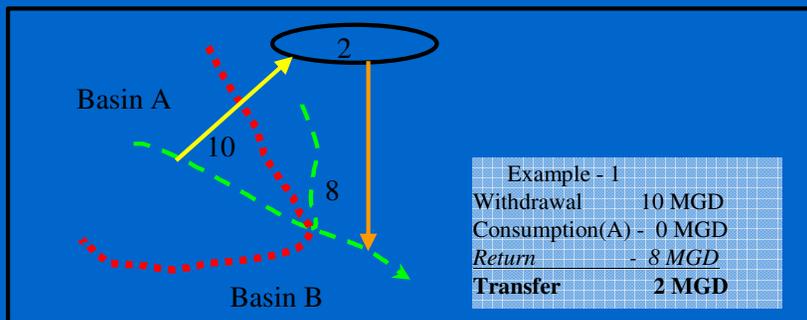
Upstream/Downstream Exemption (Cork Rule)

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.

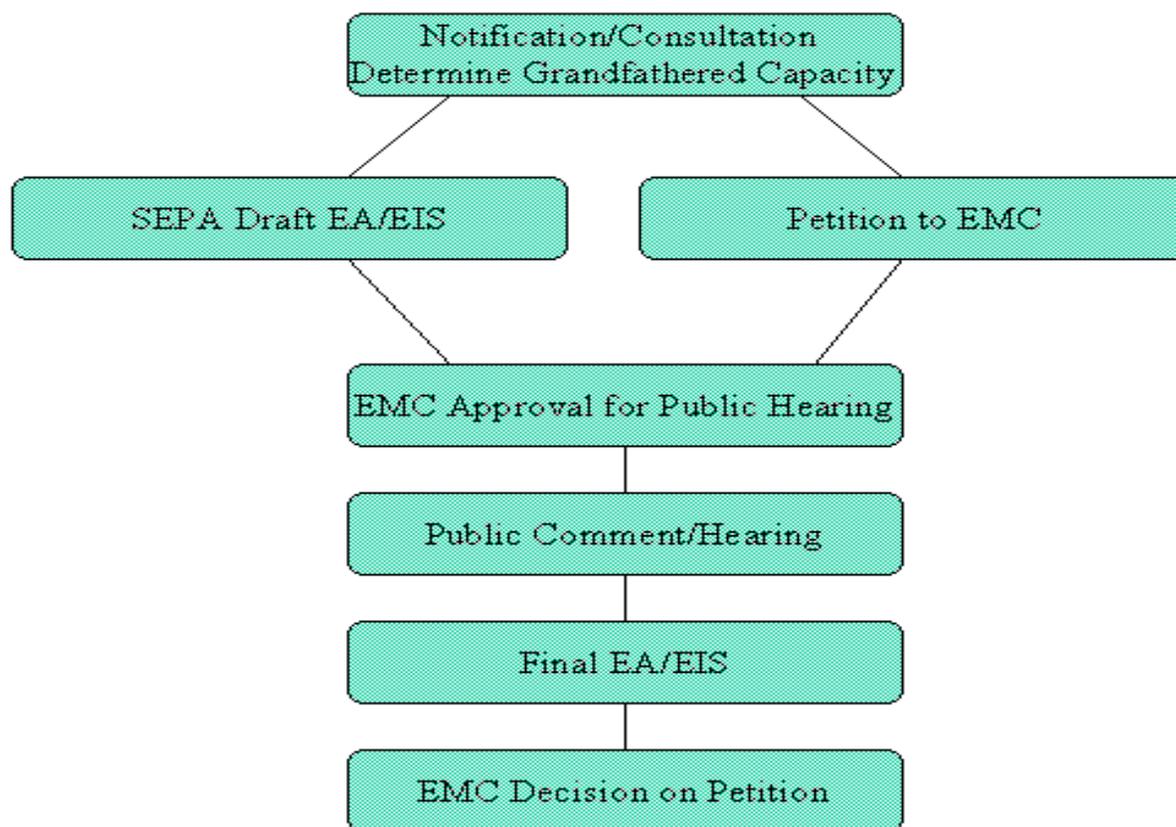
T15A:02G.0401(b) The following are not transfers:

- (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.



Interbasin Transfer Certification Process

Interbasin Transfer Certification Process



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**

EMC Criteria

- **Necessity, Reasonableness, and Beneficial Effects**
- **Detrimental Effects on the Source and Receiving Basins**
 - **Public, Industrial, Agricultural Water Supply Needs**
 - **Wastewater Assimilation**
 - **Water Quality, Fish and Wildlife Habitat**
 - **Hydroelectric Power Generation**
- **Reasonable Alternatives**
- **Purposes and Storage Allocations of Army Corps of Engineers Reservoirs Established by US Congress**

EMC Options

- **Approve the IBT Request**
- **Deny the IBT Request**
- **Approve the Request with Conditions**

Summary of Petition Conditions

- **Common Conditions in All Certificates**
 - *Conditions on compliance and monitoring plan.*
 - **Reopener**
 - **Water shortage response plan requirement.**
- **Cary/Apex**
 - *After 2010, water supplied from the Haw River Basin used in the Neuse River Basin shall be returned to either the Haw or Cape Fear basins.*
 - Manage Transfer in such a way that all certificate holders can fully utilize their Jordan Lake allocations.
 - Guidelines for determining individual transfer amounts, if cooperative service agreement is discontinued.
 - Access to intake conditions.
 - Buffer requirements around Jordan Lake.
- **CMU**
 - Require Mecklenburg County and the City of Charlotte to continue the stakeholder process to investigate water quantity control from single-family development and water quality control for all development until completed.
 - *A moratorium on the installation of new transfer water lines (water lines crossing the ridgeline) into Goose Creek subbasin is in effect until the impacts of additional growth urban growth on the endangered species are fully evaluated.*

How Has Water Supply Planning Changed?

- **Higher Costs – How Much?**
 - Potentially higher cost alternatives.
- **Better Documentation**
 - Local Water Supply Plans
 - Determination of grandfathered capacity
- **Permit Process**
 - Coordination with other agencies
 - SEPA
 - More time and cost
- **Compliance Monitoring**
 - Reporting of water-use and wastewater information
 - Modified billing system to include basin information

Summary of Current Interbasin Transfer Requests

- **Concord/Kannapolis**
- **Union County**
- **Kerr Lake Regional Water System**
- **Greenville Utilities**



Additional Information

http://www.ncwater.org/Permits_and_Registration/Interbasin_Transfer/

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Interbasin Transfer Certification

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In 1993, the Legislature adopted the Regulation of Surface Water Transfers Act (G.S. 143-215.22). The intention of the law is to regulate large surface water transfers between river basins by requiring a certificate from the Environmental Management Commission (EMC). In general, a transfer certificate is required for a new transfer of 2 million gallons per day (MGD) or more and for an increase in an existing transfer by 25 percent or more, if the total including the increase is 2 MGD or more. However, if a transfer facility existed or was under construction on July 1, 1993, a certificate is not required up to the full capacity of that facility to transfer water, regardless of the transfer amount.

Status of Transfer Petitions Being Processed

1. Union County
2. Cities of Concord and Kannapolis
3. Kerr Lake Regional Water System
4. Charlotte-Mecklenburg Utilities

- EMC Water Allocation Committee Meeting Notices
- EMC Water Allocation Committee Meeting Minutes

Active Certificates

- *Cary/Apex/Morrisville/Wake County (for RTP South)*
 - A 24 mgd transfer from the Haw River basin to the Neuse River basin.
- *Charlotte-Mecklenburg Utilities (CMUD)*
 - A 33 mgd from the Catawba River basin to the Rocky River basin.
- *Piedmont Triad Regional Water Authority (Randleman Lake Project)*
 - A 30.5 mgd transfer from the Deep River basin to the Haw River and Yadkin River basins.

Rules, Policies, & Regulations

- North Carolina Statute GS 143-215.22G (pdf (105 kb))
- North Carolina Administrative Code T15A:02G.0400 (pdf (75 kb))
- North Carolina River Basin as defined in GS 143-215.22G (small gif)(large gif)(large pdf (523 kb))
- Interbasin Transfer Worksheets for 2002 Local Water Supply Plans (pdf (462 kb) .doc (723 kb))
- Certification Process (Process Flow Chart)
- Application Process

Information & Reports

- What is an Interbasin Transfer? (FAQ)
- Regulation of Surface Water Transfers -- Fact Sheet (html) (pdf)
- North Carolina River Basins as defined in GS 143-215.22G (small gif)(large gif)(large pdf (523 kb))

Interstate Transfers

- *Virginia Beach Pipeline*
 - A withdrawal from Lake Gaston for water supply use in the City of Virginia Beach, VA.

Other Related Sites

- *DENR OneStop Permit*
- South Carolina
- Tennessee

If you have any questions or comments contact Phil Fragapane at Phil.Fragapane@ncmail.net or call (919)715-0389.

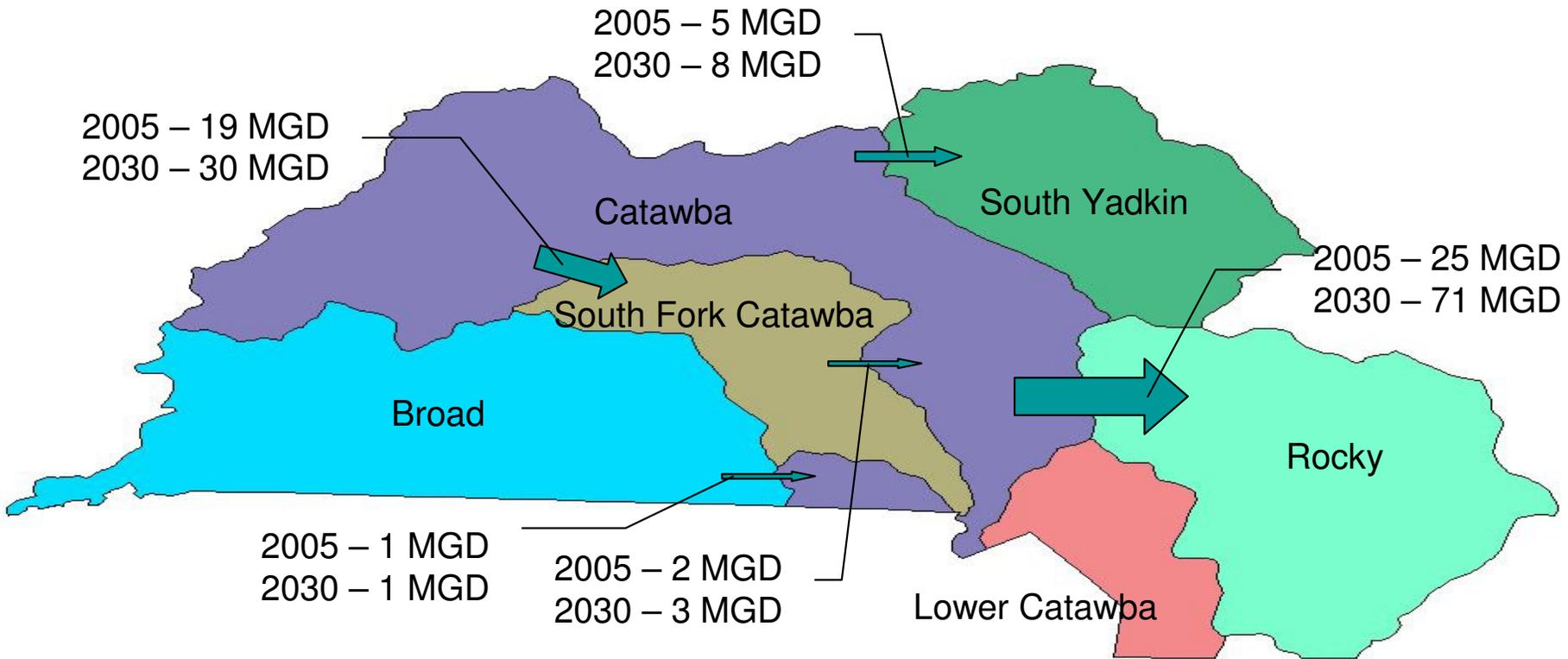
Questions?

**Information that can be found on the WEB at the Division's
Home page: <http://www.ncwater.org/>**

or

http://www.ncwater.org/Permits_and_Registration/Interbasin_Transfer/

Catawba Average Day Transfers

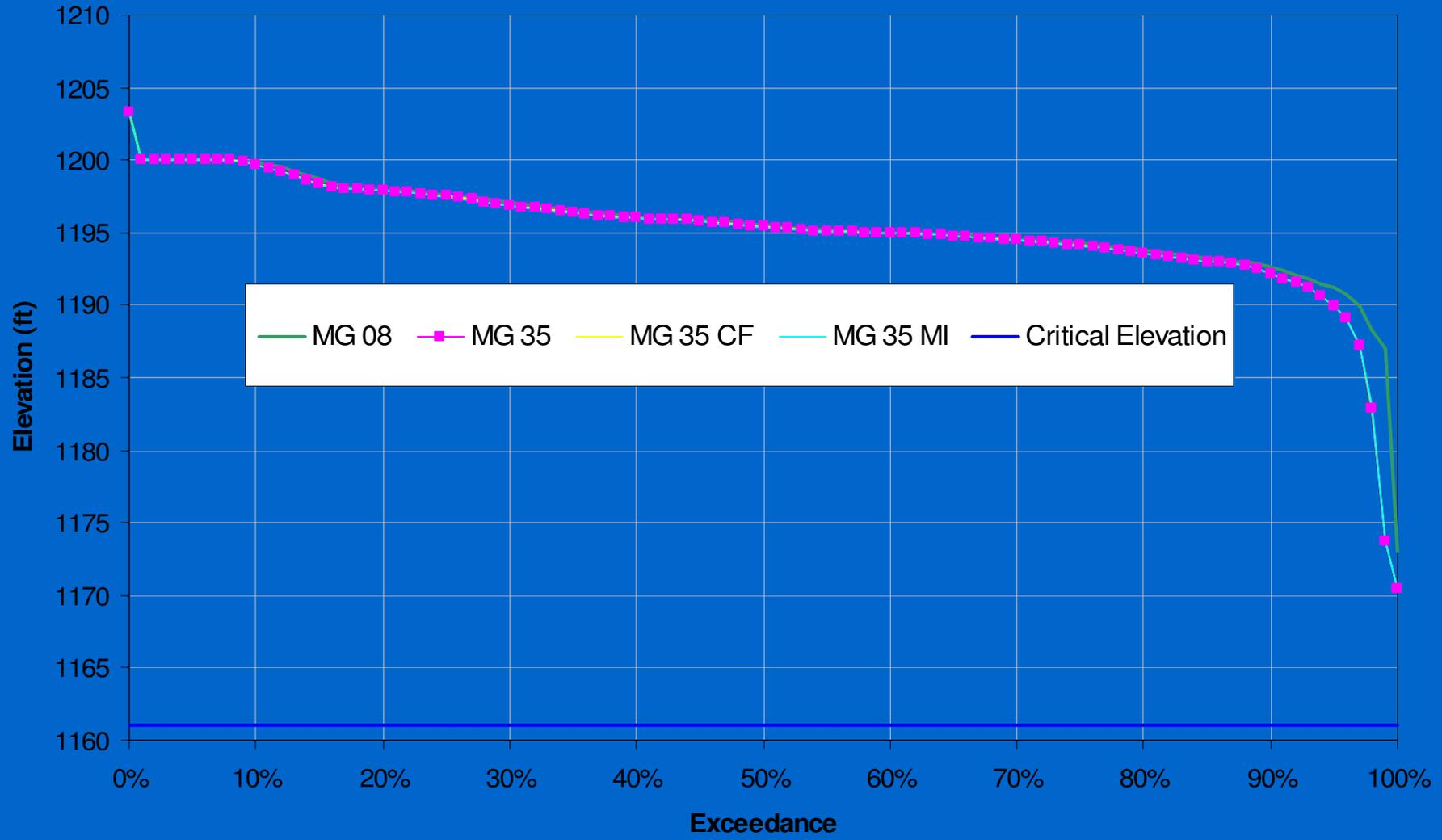


Proposed Transfer Quantity

- Catawba to Rocky
 - 38 Million Gallons per Day
- Yadkin to Rocky
 - 10 Million Gallons per Day
- Transfer Limits on MAX DAY BASIS
- 24 MGD Average Day Shortfall through 2035

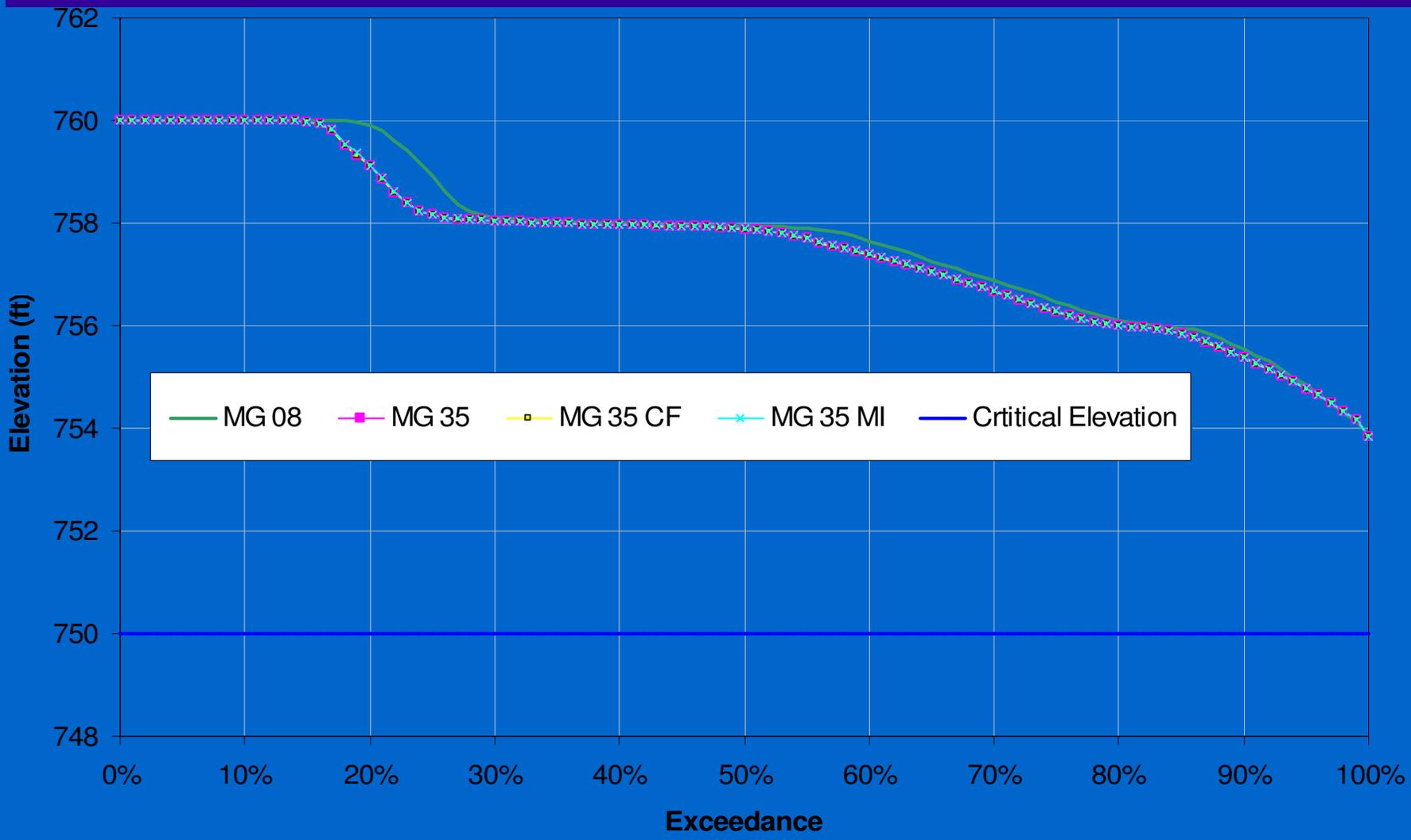


Exceedance Curves of Bridgewater Elevations Between Jan 1, 1929 and Dec 31, 2003



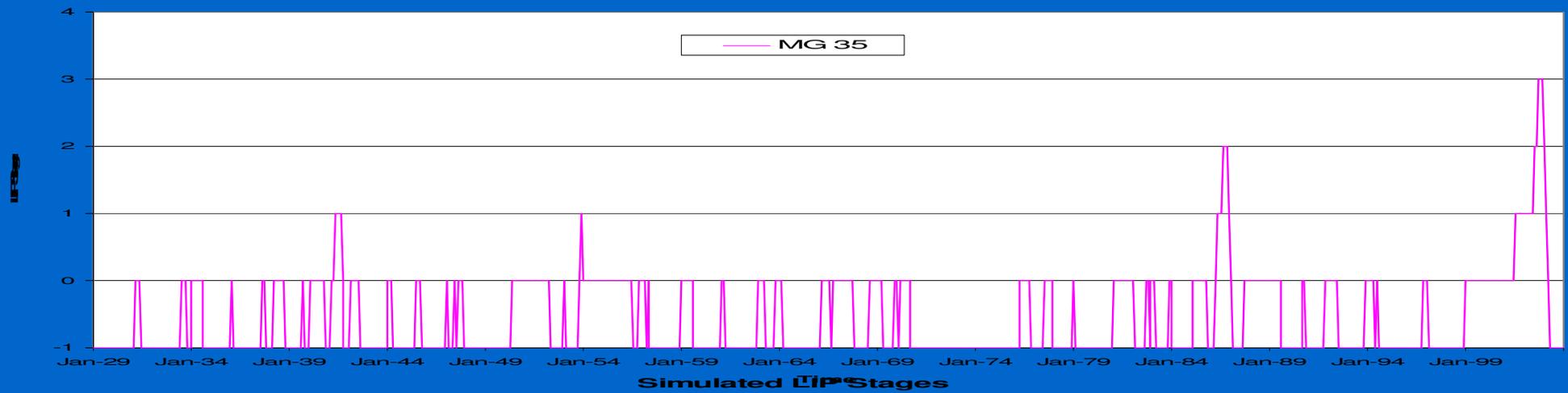


Exceedance Curves of Cowan Ford Elevations Between Jan 1,1929 and Dec 31, 2003

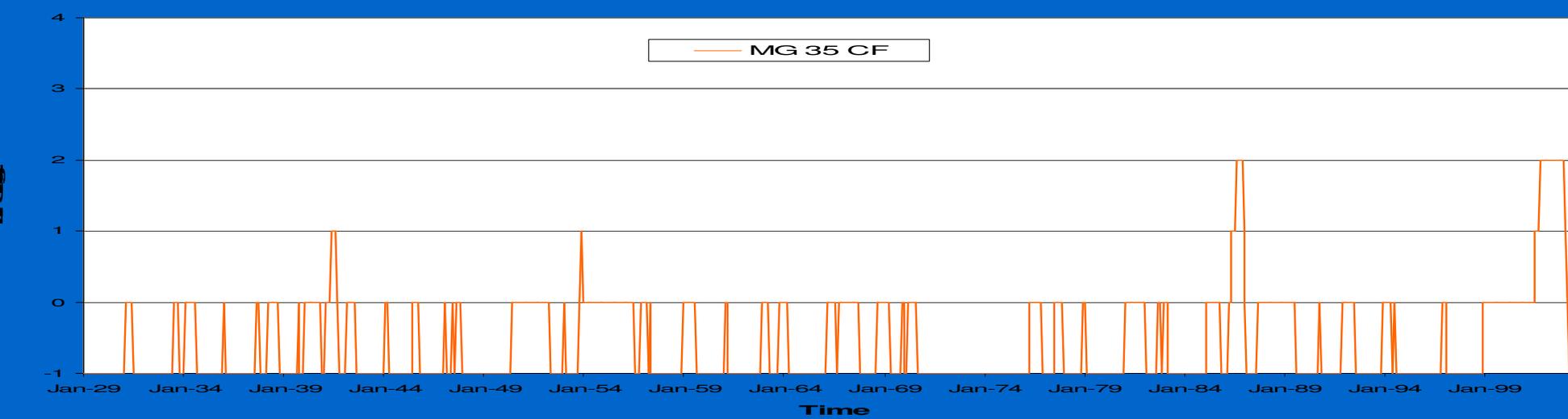


LIP Comparison

Simulated LIP Stages



Simulated LIP Stages



Next Steps

- Final EIS
 - State Clearinghouse for minimum of 30 day comment period.
- Additional and/or extended comment period on the Final EIS and/or Petition?
 - This is a decision of the EMC hearing officers and has not been decided yet.
- Action by EMC
 - No date set at this time. It depends on the hearing officers' decision on addition and/or extending comment period.



Additional Information

http://www.ncwater.org/Permits_and_Registration/Interbasin_Transfer/Status/Concord/
join-water_allocation_committee@news.ncwater.org

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Division of Water Resources

Interbasin Transfer Certification Status for the Concord/Kannapolis

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The cities of Concord and Kannapolis are jointly in the process of petitioning the Environmental Management Commission (EMC) to approve an interbasin transfer (IBT) of 48 MGD from the Catawba River and Yadkin River Sub-Basins to the Rocky River Sub-Basin. In February 2005, the Environmental Management Commission approved the Cities' request to hold a hearing to receive public comment on the the IBT petition and supporting Environmental Impact Statement (EIS). The public hearings were held June 22 in Charlotte and June 23 in Albemarle. The public comment period ended on Thursday, August 11, 2005. Comments recieved during the review and comment period are being addressed in the supporting EIS. An important part of addressing the concerns involves using the updated CHEOPS model of the Catawba Basin to evaluate impacts. A number of scenarios are being examined by the model, the results of which will be presented in the revised EIS. When all comments are addressed, the revised EIS will again be reviewed by the State Clearinghouse and will be open again for public comment.

◆ Background Documentation

1. [Public Hearing Notice \(pdf format\)](#) (May 2005)
2. [Response to Comments by the Division of Water Quality \(pdf format\)](#) (April 2005)
3. [Response to Comments by Environmental Management Commission \(pdf format\)](#) (March 2005)
4. [Impacts on Yadkin River Response \(pdf format\)](#) (February 2005)
5. [IBT Petition for the Cities of Concord and Kannapolis \(pdf format\)](#) (November 2004)
6. [Revised October 2004 Draft Environmental Impact Statement for the Cities of Concord and Kannapolis: Proposed Interbasin Transfer from the Catawba River to the Rocky River Subbasin \(pdf format\)](#) (October 2004)
7. [Draft Environmental Impact Statement for the Cities of Concord and Kannapolis: Proposed Interbasin Transfer from the Catawba River to the Rocky River Subbasin \(pdf format\)](#) (December 2003)

If you would like to be included on the Division of Water Resource's mailing list to receive information relating to Interbasin Transfers and the Environmental Management Commission's Water Allocation Committee meetings, please click on the link below to send an e-mail request to join the list.

[Join the Water Allocation Committee mailing list: join-water_allocation_committee@news.ncwater.org](mailto:join-water_allocation_committee@news.ncwater.org)

If you have any questions or comments contact Phil Fragapane at Phil.Fragapane@ncmail.net or call (919)715-0389.

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Last Modified: 10.26.2005

Questions?

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Or

http://www.ncwater.org/Permits_and_Registration/Interbasin_Transfer/

Or

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