

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 947

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/29/97

Short Title: Amend Interbasin Transfers.

(Public)

Sponsors:

Referred to:

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE BURDEN OF PROOF THAT MUST BE SATISFIED TO OBTAIN A CERTIFICATE AUTHORIZING AN INTERBASIN TRANSFER OF SURFACE WATERS, TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATING TO INTERBASIN TRANSFERS, AND TO IMPOSE A TEMPORARY MORATORIUM ON CERTAIN INTERBASIN TRANSFERS DURING THE PENDENCY OF THE STUDY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.22I(g) reads as rewritten:

"(g) ~~A~~No certificate shall be granted for a water transfer unless the Commission concludes by a preponderance of the evidence based upon the findings of fact made under subsection (f) of this section that the ~~potential detriments of the proposed transfer outweigh the benefits of the transfer.~~ proposed transfer outweigh the potential detriments of the transfer and that those detriments have been mitigated to a reasonable degree."

Section 2. The Environmental Review Commission shall study issues relating to the transfer of surface waters between river basins in the State. As a part of this study, the Environmental Review Commission shall consider whether, and on what basis, the total volume of water that may be transferred from any river basin should be limited and whether the Environmental Management Commission should be authorized to issue

1 special orders to remedy violations of laws or rules regulating transfers. The
2 Environmental Review Commission shall report its findings, recommendations, and
3 legislative proposals, if any, to the 1998 Regular Session of the General Assembly.

4 Section 3. As used in this section, "transfer" has the same meaning as in G.S.
5 143-215.22G. There is hereby imposed a moratorium on any new transfer and on any
6 increase in the permitted volume of an existing transfer for which a certificate is required
7 under G.S. 143-215.22I. The Environmental Management Commission shall not issue a
8 certificate for a new transfer or approve an increase in the permitted volume of an
9 existing transfer during the period that the moratorium imposed by this section is in
10 effect. The moratorium imposed by this section does not apply to an application to
11 increase the volume of an existing transfer that, on 1 May 1997, is registered under G.S.
12 143-215.22H and:

13 (1) Was not permitted under G.S. 153A-285, repealed by Section 4 of
14 Chapter 348 of the 1993 Session Laws, or G.S. 162A-7, repealed by
15 Section 6 of Chapter 348 of the 1993 Session Laws; and

16 (2) For which a certificate has not been issued under G.S. 143-215.22I.

17 Section 4. This act is effective when it becomes law. Section 3 of this act
18 expires on the date that the 1997 General Assembly adjourns its 1998 Regular Session
19 sine die.