

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1765*
Committee Substitute Favorable 6/9/10

Short Title: Amend IBT Notice.

(Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT AN APPLICANT FOR AN INTERBASIN TRANSFER
2 CERTIFICATE SHALL PAY THE COSTS ASSOCIATED WITH ALL REQUIRED
3 PUBLIC HEARINGS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW
4 COMMISSION.
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 143-215.22L(e) reads as rewritten:

8 "(e) Public Hearing on the Draft Environmental Document. – The Commission shall
9 hold a public hearing on the draft environmental document for a proposed interbasin transfer
10 after giving at least 30 days' written notice of the hearing in the Environmental Bulletin and as
11 provided in subdivisions (2) and (3) of subsection (c) of this section. The notice shall indicate
12 where a copy of the environmental document can be reviewed and the procedure to be followed
13 by anyone wishing to submit written comments and questions on the environmental document.
14 The Commission shall prepare a record of all comments and written responses to questions
15 posed in writing. The record shall include complete copies of scientific or technical comments
16 related to the potential impact of the interbasin transfer. The Commission shall accept written
17 comment on the draft environmental ~~documents~~ document for a minimum of 30 days following
18 the last public hearing. The applicant who petitions the Commission for a certificate under this
19 section shall pay the costs associated with the notice and public hearing on the draft
20 environmental document."

21 **SECTION 2.** G.S. 143-215.22L(j) reads as rewritten:

22 "(j) Public Hearing on the Draft Determination. – Within 60 days of the issuance of the
23 draft determination as provided in subsection (i) of this section, the Commission shall hold
24 public hearings on the draft determination. At least one hearing shall be held in the affected
25 area of the source river basin, and at least one hearing shall be held in the affected area of the
26 receiving river basin. In determining whether more than one public hearing should be held
27 within either the source or receiving river basins, the Commission shall consider the differing
28 or conflicting interests that may exist within the river basins, including the interests of both
29 upstream and downstream parties potentially affected by the proposed transfer. The public
30 hearings shall be conducted by one or more hearing officers appointed by the Chair of the
31 Commission. The hearing officers may be members of the Commission or employees of the
32 Department. The Commission shall give at least 30 days' written notice of the public hearing as
33 provided in subsection (c) of this section. The Commission shall accept written comment on the
34 draft determination for a minimum of 30 days following the last public hearing. The
35 Commission shall prepare a record of all comments and written responses to questions posed in
36 writing. The record shall include complete copies of scientific or technical comments related to
37 the potential impact of the interbasin transfer. The applicant who petitions the Commission for



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1 a certificate under this section shall pay the costs associated with the notice and public hearing
2 on the draft determination."

3 **SECTION 3.** This act is effective when it becomes law and applies to the costs,
4 including costs of notice, associated with public hearings held on or after that date.