

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 643

Short Title: Exempt CCPCUA from IBT Requirements. (Public)

Sponsors: Representatives LaRoque, McLawhorn, Wainwright, and Brawley (Primary Sponsors).

For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Environment.

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO EXEMPT TRANSFERS OF WATER IN THE CENTRAL COASTAL PLAIN
CAPACITY USE AREA FROM INTERBASIN TRANSFER CERTIFICATION
REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 143-215.22L, a certificate issued pursuant to G.S. 143-215.22L is not required for a transfer of water from one river basin to another river basin to supplement groundwater supplies in the 15 counties designated as the Central Coastal Plain Capacity Use Area under 15A NCAC 2E .0501.

SECTION 2. Section 7 of S.L. 2007-518, as amended by Section 4 of S.L. 2010-155, reads as rewritten:

"**SECTION 7.(a)** Except as provided in subsections (b), (c) and (d) of this section, this act becomes effective when it becomes law and applies to any petition for a certificate for a transfer of surface water from one river basin to another river basin first made on or after that date.

~~"**SECTION 7.(b)** For a petition for a certificate for transfer of surface water from one river basin to another river basin to supplement ground water supplies in the fifteen counties designated as the Central Coastal Plain Capacity Use Area under 15A NCAC 2E .0501, this act becomes effective 1 January 2013. Prior to 1 January 2013, a petition for a certificate for transfer of surface water from one river basin to another river basin to supplement ground water supplies in the fifteen counties designated as the Central Coastal Plain Capacity Use Area shall be considered and acted upon by the Environmental Management Commission pursuant to the procedures and standards set out in G.S. 143-215.22I on 1 July 2007.~~

"**SECTION 7.(c)** For purposes of this subsection, "isolated river basin" means each of the following river basins set out in G.S. 143-215.22G(1):

- g. 2-6 New River.
- v. 9-4 Shallotte River.
- aa. 12-1 Albemarle Sound.
- hh. 17-1 White Oak River.

For a petition for a certificate for transfer of surface water from a river basin to an isolated river basin, this act becomes effective 1 July 2020. Prior to 1 July 2020, a petition for a certificate for transfer of surface water from a river basin to an isolated river basin shall be considered and acted upon by the Environmental Management Commission pursuant to the procedures and standards set out in G.S. 143-215.22I on 1 July 2007.



1 **"SECTION 7.(d)** Notwithstanding subsection (c) of this section, an applicant for a
2 certificate for transfer of surface water from a river basin to an isolated river basin may request
3 that the applicant be subject to the certification process that would apply if the transfer was not
4 into an isolated river basin."

5 **SECTION 3.** The Environmental Review Commission shall review the water
6 supply laws of the State, including the interbasin transfer laws and the laws governing the
7 establishment and implementation of capacity use areas. The Commission shall specifically
8 consider whether the policies underlying the interbasin transfer and capacity use area laws are
9 consistent. The Commission may make recommendations as to how the State might better
10 coordinate its policies on interbasin transfers, capacity use areas, and other water supply laws.
11 The Commission shall report its findings and recommendations, if any, to the 2012 Regular
12 Session of the 2013 General Assembly.

13 **SECTION 4.(a)** This act is effective when it becomes law and applies to any
14 transfer of water from one river basin to another river basin to supplement groundwater
15 supplies in the 15 counties designated as the Central Coastal Plain Capacity Use Area under
16 15A NCAC 2E .0501 initiated on or after that date.

17 **SECTION 4.(b)** This act shall expire if the cumulative volume of water transfers
18 from one river basin to another river basin to supplement groundwater supplies in the 15
19 counties designated as the Central Coastal Plain Capacity Use Area under 15A NCAC 2E .0501
20 initiated while this act is effective exceeds 30,000,000 gallons per day.

21 **SECTION 4.(c)** Any transfer of water from one river basin to another river basin to
22 supplement groundwater supplies in the 15 counties designated as the Central Coastal Plain
23 Capacity Use Area under 15A NCAC 2E .0501 initiated while this act is effective shall not
24 require certification pursuant to G.S. 143-215.22L upon expiration of this act.