

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 643  
Committee Substitute Favorable 5/9/11

Short Title: Exempt CCPCUA from IBT Requirements.

(Public)

Sponsors:

Referred to:

April 6, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT CERTAIN TRANSFERS OF WATER IN THE CENTRAL  
3 COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER  
4 CERTIFICATION REQUIREMENTS.

5 The General Assembly of North Carolina enacts:

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

10 **SECTION 2.** Section 7 of S.L. 2007-518, as amended by Section 4 of S.L.  
11 2010-155, reads as rewritten:

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

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

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

- |    |     |      |                  |
|----|-----|------|------------------|
| 26 | g.  | 2-6  | New River.       |
| 27 | v.  | 9-4  | Shalotte River.  |
| 28 | aa. | 12-1 | Albemarle Sound. |
| 29 | hh. | 17-1 | White Oak River. |

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

35 "**SECTION 7.(d)** Notwithstanding subsection (c) of this section, an applicant for a  
36 certificate for transfer of surface water from a river basin to an isolated river basin may request



1 that the applicant be subject to the certification process that would apply if the transfer was not  
2 into an isolated river basin."

3 **SECTION 3.** The Environmental Review Commission shall review the water  
4 supply laws of the State, including the interbasin transfer laws and the laws governing the  
5 establishment and implementation of capacity use areas. The Commission shall specifically  
6 consider whether the policies underlying the interbasin transfer and capacity use area laws are  
7 consistent. The Commission may make recommendations as to how the State might better  
8 coordinate its policies on interbasin transfers, capacity use areas, and other water supply laws.  
9 The Commission shall report its findings and recommendations, if any, to the 2012 Regular  
10 Session of the 2011 General Assembly.

11 **SECTION 4.(a)** This act is effective when it becomes law and applies to any  
12 transfer of water from one river basin to another river basin to supplement groundwater  
13 supplies in the 15 counties designated as the Central Coastal Plain Capacity Use Area under  
14 15A NCAC 2E .0501 initiated on or after August 31, 2007.

15 **SECTION 4.(b)** Section 1 of this act shall expire if the cumulative volume of water  
16 transfers from one river basin to another river basin to supplement groundwater supplies in the  
17 15 counties designated as the Central Coastal Plain Capacity Use Area under 15A NCAC 2E  
18 .0501 initiated on or after August 31, 2007, by any person that does not hold a certificate for an  
19 interbasin transfer on or before the effective date of this act, exceeds 8,000,000 gallons per day.

20 **SECTION 4.(c)** Any transfer of water from one river basin to another river basin to  
21 supplement groundwater supplies in the 15 counties designated as the Central Coastal Plain  
22 Capacity Use Area under 15A NCAC 2E .0501 initiated while Section 1 of this act is effective  
23 shall not require certification pursuant to G.S. 143-215.22L upon expiration of Section 1 of this  
24 act.