

March 21, 2007

**H 960. AMEND INTERBASIN TRANSFER LAW.** Filed 3/21/07. *TO AMEND THE LAW GOVERNING THE REGULATION OF INTERBASIN TRANSFERS AND TO DIRECT THE DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY WHETHER THERE IS A NEED FOR AN INTERSTATE COMPACT TO MEDIATE ANY FUTURE INTERSTATE WATER SUPPLY ISSUES.*

Enacts new GS 143-215.22F stating the importance of the state's water resources. Makes the following amendments to GS 143-215.22I, which regulates interbasin transfers:

*Petition for interbasin transfer certificate.* Creates a presumption that a certificate for interbasin transfer will not be granted unless the applicant is able to prove listed conditions, including that the transfer is necessary to protect and promote public health and welfare. Adds several items that must be included in a petition for an interbasin transfer (IBT), including a letter of support from each downstream and upstream public water supplier. Upon receiving notice that a person intends to submit a petition for an IBT, the Environmental Management Commission (EMC) is required to provide notice within 30 days to those individuals who are to also receive notice of the IBT public hearings. Enumerates areas where notice of a public hearing on a proposed IBT must be published in newspapers and expands notice requirements to upstream areas. Authorizes an applicant to request a quasi-judicial hearing to be held regarding the petition instead of a public hearing. Also provides that the EMC may not consider a petition for a transfer from a river basin if the sum of authorized withdrawals and transfers exceeds the safe yields of the source water bodies in the basin. Requires the EMC, in deciding whether to issue the certificate, to make additional specific findings on whether the transfer will have a detrimental impact on future water supplies of local governments that make withdrawals from the source water supply or detrimental effects on wetlands, and requires the consideration of mitigation measures to ensure that the detrimental effects to the source and receiving basins are avoided to the maximum extent feasible. Sets out the required content of environmental assessments relating to proposed transfers, and requires that the assessment be made available to the public at least 30 days before the required public hearing; also requires the preparation of economic impact, social impact, groundwater aquifer, and impoundment assessments. Sets out mandatory grounds for the denial of a certificate. Authorizes the EMC to grant, revise, or deny any petition and to consider options not included in the petition.

*Certificates.* Provides that IBT certificates expire 10 years after issuance, and allows the certificate to be renewed if the original time issued combined with each renewal period does not exceed 40 years. Requires IBT certificates to include listed conditions and provisions. Provides that temporary transfers may be renewed only twice. Requires any person receiving a certificate to file a report on the quantity and use of water withdrawn and transferred each month. Enacts new GS 143-215.22I(n) permitting the EMC to modify existing certificates if (1) the cumulative impact of existing, permitted, and proposed withdrawals has or will exceed safe yield of source supply (and adds definition of *safe yield* to GS 143-215.22G); (2) the cumulative impact of existing, permitted, and proposed withdrawals has or will cause or contribute to deterioration of water quality in the source or receiving basin; or (3) the projections of population growth, water supply, or water demand on which certificate was granted were inaccurate.

*Study.* Directs the Department of Justice and the Department of Environment and Natural Resources to study the need to negotiate an interstate compact with adjoining states and cooperatively resolve water supply disputes in river basins shared by North Carolina and those states. Requires the findings to be reported to the 2008 Regular Session of the 2007 General Assembly.

Makes conforming and technical changes.

**Intro. by Gillespie, Church, Hilton, R. Warren.** GS 143, STUDY