

April 9, 2009

**H 1399. CAPACITY USE AREAS/AMEND WATER WITHDRAWAL.** Filed 4/9/09. *TO ESTABLISH COMPLIANCE AND ENFORCEMENT REQUIREMENTS FOR HOLDERS OF GROUNDWATER WITHDRAWAL PERMITS IN CERTAIN CAPACITY USE AREAS.*

Amends GS 143-215.16 to provide that every person who is required to obtain a permit for withdrawal of water in the Central Coastal Plain Capacity Use Area must achieve the reductions in withdrawals specified by 15A NCAC 2E .0503(6) without withdrawing, selling, or transferring water to other users provided that termination of any existing authority to withdraw and sell or transfer water does not take effect before January 1, 2011. Requires the Department of Environment and Natural Resources to revise each permit in effect on October 1, 2009, to preclude any further withdrawal, sale, or transfer of water after January 1, 2011. Provides that permits issued or renewed after October 1, 2009, must prohibit the withdrawal, sale, or transfer of water to achieve the reductions in withdrawals specified in the rule for Phase II and Phase III. Amends GS 143-215.17 to provide that a person who fails to meet the deadlines specified in the rule will be required to reduce withdrawals prior to the next phase by the total amount of water that the person withdrew in excess of the applicable groundwater reduction requirement for the prior phase.

**Intro. by Braxton.**

GS 143

April 29, 2009

**H 1399. CAPACITY USE AREAS ENFORCEMENT (NEW).** Filed 4/9/09. House committee substitute makes the following changes to 1st edition. Deletes the contents of the 1st edition and replaces it with *AN ACT TO PROVIDE THAT CIVIL PENALTIES MAY BE ASSESSED ON A PER WELL BASIS FOR VIOLATION OF CAPACITY USE AREA LAWS.* Amends GS 143-215.17(b) as the title indicates.

May 12, 2009

**H 1399. CAPACITY USE AREAS ENFORCEMENT.** Filed 4/9/09. House committee substitute makes the following changes to 2nd edition. Increases the cap on the maximum penalty in GS 143-215.17(b)(1) and (2) for violations of capacity use area laws from \$250 to \$1,000. Deletes addition to those provisions included in prior edition allowing the Secretary to assess a civil penalty for each well permitted in certain circumstances. Makes conforming changes to the title.

June 2, 2009

**H 1399. CAPACITY USE AREAS ENFORCEMENT.** Filed 4/9/09. Senate committee substitute makes the following changes to 3rd edition. Clarifies that the act applies to violations that occur on or after the date that the act becomes law.

June 22, 2009

**SL 2009-134 (H 1399). CAPACITY USE AREAS ENFORCEMENT. AN ACT TO PROVIDE THAT CIVIL PENALTIES OF UP TO ONE THOUSAND DOLLARS MAY BE ASSESSED FOR VIOLATION OF CAPACITY USE AREA LAWS.** Summarized in *Daily Bulletin* 4/9/09, 4/29/09, 5/12/09, and 6/2/09. Enacted June 19, 2009. Effective June 19, 2009.