

May 17, 2010

H 1765. AMEND IBT ENFORCEMENT AND NOTICE (=S 1169). Filed 5/17/10. *TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO USE INJUNCTIVE RELIEF TO ENSURE COMPLIANCE WITH INTERBASIN TRANSFER LAWS AND TO PROVIDE THAT AN APPLICANT FOR AN INTERBASIN TRANSFER CERTIFICATE SHALL PAY THE COSTS ASSOCIATED WITH ALL REQUIRED PUBLIC HEARINGS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.* Identical to S 1169, filed 5/17/10.

Intro. by Gibson, Harrison.

GS 143

June 9, 2010

H 1765. AMEND IBT NOTICE (NEW). Filed 5/17/10. House committee substitute makes the following changes to 1st edition.

Deletes proposed section, amending GS 143-215.6C, which authorized DENR to use injunctive relief for an expanded list of water use violations. Makes conforming change to title. Clarifies that the act is effective when it becomes law, and applies to the costs, including costs of notice, associated with public hearings held on or after that date.

June 30, 2010

H 1765. AMEND WQ/IBT LAWS (NEW). Filed 5/17/10. House committee substitute makes the following changes to 2nd edition.

Adds new Article 8A, Falls Lake Watershed Association (Association) to GS Chapter 77. Defines the following terms as they apply in the proposed Article: (1) *board of directors*, (2) *Falls Lake watershed*, (3) *local government*, and (4) *nonprofit corporation*.

Requires that the Association consist of local governments that choose to participate in the Association and provides that local governments may choose to incorporate the Falls Lake Watershed Association nonprofit or establish the Association using an existing nonprofit corporation. Directs each local government that chooses to participate in the Association to appoint a representative and an alternate to serve on the Association's board of directors. Delineates the purposes of the Association but does not limit the purposes to those listed. Provides that the Association is subject to the requirements for public meetings under Article 33C of GS Chapter 143 and the requirements for public records under GS Chapter 132.

Permits to the extent allowed by law, the Department of Environment and Natural Resources to enter into a memoranda of understanding with the Association to implement the purposes of the Association.

Clarifies that the authority granted to local governments under proposed Article 8A is in addition to and not in derogation of any other authority granted to local governments under any other provision of law.

Amends Section 7 of SL 2007-518 (amend interbasin transfer law) to set the effective date as January 1, 2013 (was, January 1, 2011), for petitions for a certificate for transfer of surface water from one river basin to another to supplement ground water supplies in the 15 counties designated as the Central Coastal Plain Capacity Use Area. Provides that prior to January 1, 2013 (was, January 1, 2011), petitions for these certificates are to be considered and acted upon by the Environmental Management Commission (EMC) under the procedures and standards set out in GS 143-215.22I on July 1, 2007. Designates the following river basins set out in GS 143-215.22G(1) as *isolated river basins*: New River, Shallotte River, Albemarle Sound, and White Oak River. Sets the effective date as July 1, 2020, for a petition for a certificate for transfer of surface water from a river basin to an *isolated river basin* for the purpose of supplementing ground water supplies. Provides that before July 1, 2020, petitions for these certificates are to be considered and acted upon by the EMC under the procedures and standards set out in GS 143-215.22I on July 1, 2007.

Changes the title to *AN ACT TO AUTHORIZE COALITIONS OF LOCAL GOVERNMENTS TO JOINTLY IMPLEMENT WATER QUALITY PROTECTION PLANS FOR THE FALLS LAKES WATERSHED; TO PROVIDE THAT AN APPLICANT FOR AN INTERBASIN TRANSFER CERTIFICATE SHALL PAY THE COSTS ASSOCIATED WITH ALL REQUIRED PUBLIC*

HEARINGS; AND TO CREATE A TEMPORARY, STREAMLINED INTERBASIN TRANSFER CERTIFICATION PROCESS FOR INTERBASIN TRANSFERS IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND INTO ISOLATED RIVER BASINS.

July 6, 2010

H 1765. AMEND WQ/IBT LAWS. Filed 5/17/10. Senate committee substitute makes the following changes to 3rd edition.

Limits the transfer of water from the Catawba River Basin under the certificate allowing Concord and Kannapolis to transfer water from the Catawba River and Yadkin River Basins to Rocky River Basin, by prohibiting a transfer of water unless: (1) Concord and Kannapolis are transferring 10 million gallons per day from the Yadkin River Basin to the Rocky River Basin under the Interbasin Transfer Certificate and (2) no other water supplies are located within the Yadkin River Basin that are available to Concord and Kannapolis.

Amends GS 143-355.5(a) (water reuse policy) to provide that the beneficial reuse of wastewater applies to certain facilities that require relocation of a discharge from one receiving stream to another under all of the following conditions: (1) the relocation is necessary to create an approved wastewater reuse program; (2) the reuse program provides significant reuse benefits; and (3) the relocation discharge will comply with all applicable water quality standards, will not result in water quality impairment or degradation in the receiving waters, and will result in a net benefit to water quality.

Rewrites the title to reflect the amended bill content.

July 7, 2010

H 1765. AMEND WQ/IBT LAWS. Filed 5/17/10. Senate amendment makes the following changes to 4th edition. Amends the proposed effective date provision in Section 7(c) of SL 2007-518 so that it applies to all petitions for a certificate for transfer of surface water from a river basin to an isolated river basin, not just to those that are for the purpose of supplementing ground water supplies.

July 10, 2010

H 1765. AMEND WQ/IBT LAWS. Filed 5/17/10. Conference report recommends the following changes to 5th edition to reconcile matters in controversy.

Amends Section 7 of SL 2007-518 to permit an applicant for a certificate for transfer of surface water from a river basin to an isolated river basin (defined in Section 7(c) of SL 2007-518) to request the application for transfer be processed as if the transfer was not into an isolated river basin.

Authorizes the Environmental Review Commission (ERC) to study the transfer of surface water from one river basin to another. Directs the ERC to consider specific issues if it chooses to undertake the study and to report any results and recommendations to the 2011 General Assembly.

Deletes the provision limiting transfers of water from the Catawba River Basin under the Concord and Kannapolis Interbasin Transfer Certificate.

Makes conforming changes to the title to reflect the changes in the bill content.

July 28, 2010

SL 2010-155 (H 1765). AMEND WATER QUALITY/INTERBASIN TRANSFER LAWS. AN ACT TO AUTHORIZE COALITIONS OF LOCAL GOVERNMENTS TO JOINTLY IMPLEMENT WATER QUALITY PROTECTION PLANS FOR THE FALLS LAKE WATERSHED; TO PROVIDE THAT AN APPLICANT FOR AN INTERBASIN TRANSFER CERTIFICATE SHALL PAY THE COSTS ASSOCIATED WITH ALL REQUIRED PUBLIC HEARINGS; TO CREATE A TEMPORARY, STREAMLINED INTERBASIN TRANSFER CERTIFICATION PROCESS FOR INTERBASIN TRANSFERS IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND INTO ISOLATED RIVER BASINS; TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY CERTAIN CONDITIONS ON INTERBASIN TRANSFERS; AND TO

PROVIDE THAT BENEFICIAL REUSE OF WASTEWATER INCLUDES CERTAIN FACILITIES THAT REQUIRE RELOCATION OF A DISCHARGE FROM ONE RECEIVING STREAM TO ANOTHER. Summarized in *Daily Bulletin* 5/17/10, 6/9/10, 6/30/10, 7/6/10, 7/7/10, and 7/10/10. Enacted July 22, 2010. Effective July 22, 2010.