

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1333
Committee Substitute Favorable 4/29/09

Short Title: Revise NC River Basins.

(Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE AREA OF THE STATE THAT IS DENOTED BY THE EIGHT-DIGIT CATALOGING UNIT 03040208 ORGANIZED BY THE UNITED STATES GEOLOGIC SURVEY BE CONSIDERED A PART OF THE CAPE FEAR RIVER BASIN FOR PURPOSES OF REGULATION UNDER PART 2A OF ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES AND TO DELINEATE THE BOUNDARIES OF THE RIVER BASINS OF NORTH CAROLINA FOR THE PURPOSE OF ALIGNING THE RIVER BASIN PLANNING PROGRAMS OF THE DIVISION OF WATER RESOURCES AND THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE 2008 REPORT OF THE WATER ALLOCATION STUDY TO THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.22G reads as rewritten:

"§ 143-215.22G. Definitions.

In addition to the definitions set forth in G.S. 143-212 and G.S. 143-213, the following definitions apply to this Part.

(1) "River basin" has the same meaning as defined in G.S.143-213, except that the area of the State within eight-digit hydrologic cataloging unit 03040208 shall be considered a part of the Cape Fear River Basin for purposes of determining the applicability of registration and certification requirements under this Part.~~means any of the following river basins designated on the map entitled "Major River Basins and Sub-basins in North Carolina" and filed in the Office of the Secretary of State on 16 April 1991. The term "river basin" includes any portion of the river basin that extends into another state. Any area outside North Carolina that is not included in one of the river basins listed in this subdivision comprises a separate river basin.~~

a.	1-1	Broad River.
b.	2-1	Haw River.
c.	2-2	Deep River.
d.	2-3	Cape Fear River.
e.	2-4	South River.
f.	2-5	Northeast Cape Fear River.
g.	2-6	New River.
h.	3-1	Catawba River.
i.	3-2	South Fork Catawba River.
j.	4-1	Chowan River.



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1	k.	4-2	Meherrin River.
2	l.	5-1	Nolichucky River.
3	m.	5-2	French Broad River.
4	n.	5-3	Pigeon River.
5	o.	6-1	Hiwassee River.
6	p.	7-1	Little Tennessee River.
7	q.	7-2	Tuskasegee (Tuckasegee) River.
8	r.	8-1	Savannah River.
9	s.	9-1	Lumber River.
10	t.	9-2	Big Shoe Heel Creek.
11	u.	9-3	Waccamaw River.
12	v.	9-4	Shalotte River.
13	w.	10-1	Neuse River.
14	x.	10-2	Contentnea Creek.
15	y.	10-3	Trent River.
16	z.	11-1	New River.
17	aa.	12-1	Albemarle Sound.
18	bb.	13-1	Ocoee River.
19	ee.	14-1	Roanoke River.
20	dd.	15-1	Tar River.
21	ee.	15-2	Fishing Creek.
22	ff.	15-3	Pamlico River and Sound.
23	gg.	16-1	Watauga River.
24	hh.	17-1	White Oak River.
25	ii.	18-1	Yadkin (Yadkin-Pee-Dee) River.
26	jj.	18-2	South Yadkin River.
27	kk.	18-3	Uwharrie River.
28	ll.	18-4	Rocky River.

(2) "Surface water" means any of the waters of the State located on the land surface that are not derived by pumping from groundwater.

(3) "Transfer" means the withdrawal, diversion, or pumping of surface water from one river basin and discharge of all or any part of the water in a river basin different from the origin. However, notwithstanding the basin definitions in G.S. 143-215.22G(1), the following are not transfers under this Part:

- a. The discharge of water upstream from the point where it is withdrawn.
- b. The discharge of water downstream from the point where it is withdrawn."

SECTION 2. G.S. 143-213 is amended by adding a new subdivision to read:

"§ 143-213. Definitions.

Unless the context otherwise requires, the following terms as used in this Article and Articles 21A and 21B of this Chapter are defined as follows:

...

(31) "River basin" means the area within North Carolina denoted by the eight-digit cataloging unit or series of eight-digit cataloging units organized by the United States Geologic Survey as follows:

- a. Albemarle Sound: 03010205.
- b. Broad River: 03050105.
- c. Cape Fear River: 03030002, 03030003, 03030004, 03030005, 03030006, and 03030007.

1	d.	<u>Catawba River:</u>	<u>03050101, 03050102, and 03050103.</u>
2	e.	<u>Chowan River:</u>	<u>03010201, 03010202, 03010203, and</u>
3			<u>03010204.</u>
4	f.	<u>French Broad River:</u>	<u>06010105, 06010106, and 06010108.</u>
5	g.	<u>Hiwassee River:</u>	<u>06020002 and 06020003.</u>
6	h.	<u>Little Tennessee River:</u>	<u>06010202, 06010203, and 06010204.</u>
7	i.	<u>Lumber River:</u>	<u>03040203, 03040204, 03040206, and</u>
8			<u>03040208.</u>
9	j.	<u>Neuse River:</u>	<u>03020201, 03020202, 03020203, and</u>
10			<u>03020204.</u>
11	k.	<u>New River:</u>	<u>05050001.</u>
12	l.	<u>Onslow Bay:</u>	<u>03020301 and 03020302.</u>
13	m.	<u>Roanoke River:</u>	<u>03010102, 03010103, 03010104,</u>
14			<u>03010106, and 03010107.</u>
15	n.	<u>Savannah River:</u>	<u>03060101 and 03060102.</u>
16	o.	<u>Tar-Pamlico River:</u>	<u>03020101, 03020102, 03020103,</u>
17			<u>03020104, and 03020105.</u>
18	p.	<u>Watauga River:</u>	<u>06010103.</u>
19	q.	<u>Yadkin-Pee Dee River:</u>	<u>03040101, 03040102, 03040103,</u>
20			<u>03040104, 03040105, 03040201, and</u>
21			<u>03040202."</u>

22 **SECTION 3.** G.S. 77-90 reads as rewritten:

23 **"§ 77-90. Definitions.**

24 The following definitions apply in this Article:

- 25 (1) "Commission" means the Roanoke River Basin Bi-State Commission.
- 26 (2) "Roanoke River Basin" or "Basin" means that land area designated as the
- 27 Roanoke River Basin by the North Carolina Department of Environment and
- 28 Natural Resources pursuant to ~~G.S. 143-215.8B~~G.S. 143-213 and the
- 29 Virginia State Water Control Board pursuant to Code of Virginia §
- 30 62.1-44.38."

31 **SECTION 4.** G.S. 77-110 reads as rewritten:

32 **"§ 77-110. Definitions.**

33 The following definitions apply in this Article:

- 34 (1) "Commission" or "commissions" means (i) the Catawba/Wateree River
- 35 Basin Advisory Commission, (ii) the Yadkin/Pee Dee River Basin Advisory
- 36 Commission, or (iii) both commissions, as required by the context.
- 37 (2) "River basin" or "river basins" means (i) that land area designated as the
- 38 Catawba River Basin pursuant to ~~G.S. 143-215.22G~~G.S. 143-213 and that
- 39 land area designated as the Catawba/Wateree River Basin by the South
- 40 Carolina Department of Health and Environmental Control, (ii) that land
- 41 area designated as the Yadkin (Yadkin-Pee Dee) River Basin pursuant to
- 42 ~~G.S. 143-215.22G~~G.S. 143-213 and that land area designated as the
- 43 Yadkin/Pee Dee River Basin by the South Carolina Department of Health
- 44 and Environmental Control, or (iii) both river basins, as required by the
- 45 context."

46 **SECTION 5.** G.S. 143-214.14(a)(1) reads as rewritten:

- 47 "(1) "Basin" means a river basin as defined in ~~G.S. 143-215.22G~~G.S. 143-213 or
- 48 any ~~subbasin or~~ segment thereof."

49 **SECTION 6.** G.S. 143-215.8B(a) reads as rewritten:

50 "(a) The Commission shall develop and implement a basinwide water quality

51 management plan for each of the 17 major river basins in the ~~State~~State as defined in

1 G.S. 143-213. In developing and implementing each plan, the Commission shall consider the
2 cumulative impacts of all of the following:

3 (1) All activities across a river basin and all point sources and nonpoint sources
4 of pollutants, including municipal wastewater facilities, industrial
5 wastewater systems, septic tank systems, stormwater management systems,
6 golf courses, farms that use fertilizers and pesticides for crops, public and
7 commercial lawns and gardens, atmospheric deposition, and animal
8 operations.

9 (2) All transfers into and from a river basin that are required to be registered
10 under G.S. 143-215.22H."

11 **SECTION 7.(a)** Water Transfer Certificates. – Interbasin transfer certificates
12 issued by the Environmental Management Commission under G.S. 143-215.22I, 143-215.22L,
13 or 153A-285 prior to July 1, 2009, shall continue in effect. A person who has a certificate
14 issued prior to July 1, 2009, may request a modification of the certification consistent with this
15 act. A modification request shall be subject to the notice and hearing requirements set out in
16 subdivision (3) of subsection (c) of G.S. 143-215.22L.

17 **SECTION 7.(b)** Water Classifications Unchanged. – This act shall not be
18 interpreted to change the water quality classification of a water. Any classification that was
19 applied to all waters within a river basin as it was defined prior to July 1, 2009, shall apply only
20 to waters located within the river basin before that date. Reclassification of waters shall require
21 rule making.

22 **SECTION 8.** This act becomes effective July 1, 2009.