

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2011-298
HOUSE BILL 643**

**AN ACT TO EXEMPT CERTAIN TRANSFERS OF WATER IN THE CENTRAL
COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER
CERTIFICATION REQUIREMENTS.**

The General Assembly of North Carolina enacts:

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

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

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

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

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

- g. 2-6 New River.
- v. 9-4 Shallotte River.
- aa. 12-1 Albemarle Sound.
- hh. 17-1 White Oak River.

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

"**SECTION 7.(d)** Notwithstanding subsection (c) of this section, an applicant for a certificate for transfer of surface water from a river basin to an isolated river basin may request that the applicant be subject to the certification process that would apply if the transfer was not into an isolated river basin."

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

SECTION 4.(a) This act is effective when it becomes law and applies to any transfer of water from one river basin to another river basin to supplement groundwater



supplies in the 15 counties designated as the Central Coastal Plain Capacity Use Area under 15A NCAC 2E .0501 initiated on or after August 31, 2007.

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

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

In the General Assembly read three times and ratified this the 16th day of June, 2011.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 4:52 p.m. this 24th day of June, 2011