

**North Carolina Environmental Management Commission -  
Water Allocation Committee  
Meeting Summary**

512 N. Salisbury Street  
Ground Floor Hearing Room, Archdale Building  
Raleigh, NC

11:00 A.M. – 12:00 Noon  
Wednesday, March 11, 2009

Water Allocation Committee (WAC):

Commissioner Donnie Brewer  
Commissioner Frank Crawley  
Commissioner E. Leo Green, Jr., Chair  
Commissioner David H. Moreau  
Commissioner Darryl D. Moss

Commissioner Dickson Phillips, III  
Commissioner Stephen Smith  
Commissioner Kenny Waldroup  
Commissioner Forrest R. Westall, Sr.

**Item I. Preliminary Matter**

**1. Committee Chairman, Commissioner E. Leo Green, Jr.,** called the meeting to order. Pursuant to Executive Order Number One, the committee chairman called upon committee members to evaluate the matters to come before the committee and to identify any known conflict of interest or the appearance of a conflict of interest.

**2. Remarks by Secretary Dee Freeman, DENR**

Committee Chairman, **Commissioner E. Leo Green, Jr.,** called upon **Commissioner Stephen Smith**, EMC Chairman, to introduce **Secretary Dee Freeman**. **Secretary Freeman** addressed the WAC: His long working relationship with DENR spans his professional career. He praised DENR employees as dynamic, professional, and innovative and called for continued teamwork from the entire DENR staff. He said that his office is open and that he will be consulting widely to deliver the job assigned to him by **Governor Perdue**.

**3. Minutes and Agenda**

Upon motion and second, the Committee approved the minutes of the January meeting as a true and accurate summary of the proceedings. The Committee approved the printed agenda without change.

**Item II. Action Item**

**Regulation of Surface Water Transfer - Definition of “Public Water Supply System”**

**Mr. Tom Fransen**

**Mr. Tom Fransen** informed the WAC that the term “Public Water Supply System” has been used synonymously with “Public Water System” and that the interchangeable usage has created confusion. **Mr. Fransen** asked the WAC to decide on one terminology for future use. He reported that, after due diligence, DWR has determined that the term “Public Water System” in the Rules Governing Public Water Systems at T15A:18C.0100 is already defined and accepted and recommends its usage.

**Discussion:** The WAC members asked questions seeking clarification as to how the definition will apply to co-applicants of water supply systems and if there will be a need for modification of IBT certificates. **Mr. Fransen** said that, as a rule, the applicants and co-applicants should adhere to IBT certification laid out by the General Assembly. Further questions on IBT were deferred by **Chairman Green** until the IBT agenda item.

**Action:** The WAC unanimously approved the use of the term “Public Water System.”

### **Item III. Information Items**

#### **1. Update on Status of Western Wake Water Treatment Plant (WWWTP)**

##### **a. Update on Analysis of Harris Lake as a Discharge Alternative**

**Ms. Ruth Swanek, CH2MHill**

**Ms. Ruth Swanek** presented an overview of modeling of Harris Lake. The IBT certificate was issued in 2001 with several conditions. Condition 1 requires that after 2001, water supplied from the Haw Basin be returned to either the Haw or Cape Fear Basin. The amount to be returned will be calculated using a formula specified by the certificate.

About a year ago, the partners started considering the possibility of having a discharge point at Harris Lake. The initial screening, model, and calibration done with additional data collected by Progress Energy indicated that it might be a viable alternative.

Harris Lake watershed modeling and lake modeling have been developed and tested. The nonpoint source loads were identified using the Utley Creek Generalized Watershed Loading Function (GWLf) model and the Jordan Lake model that has been used by DWQ. Nonpoint source loads from these two models were comparable to the Harris Lake watershed.

Initial calibration indicated nitrogen nutrient loads from nonpoint sources were underestimated. Phosphorus nutrient and chlorophyll A were found to be the limiting factors. More detailed monitoring done in 2008 revealed that the nutrients have a lower means. The results were also used to refine chlorophyll simulation and model accuracy.

**Ms. Swanek** said that a revised technical memorandum has been submitted to DWQ for review. “What-if” scenarios will be run to respond to review comments from DWQ and then a final report will be submitted.

**Discussion:** The WAC wanted to know how the modeling complies with the IBT certificate conditions. **Ms. Swanek** said that the partners have been working with DWR on the Cape Fear River Basin model to run scenarios that will review what the impact to flow would be if discharge were to Harris Lake instead of to the Cape Fear River downstream. The report will be made available once it is completed.

The WAC also wanted to know if an Environmental Assessment Statement (EA) had been done. **Ms. Swanek** reported that the EA and Drought Engineering reports are completed and open for public review. The designs are 90% complete.

**Chairman Green** asked **Mr. Fransen** to clarify how they are meeting the original condition 3 of the IBT certificate (How are they meeting the specified 2010-2013 deadline for flow return?). **Mr. Fransen** responded that they are working with Durham County at the moment to send some discharge to the Haw River, hence meeting the short term condition requirement. This is a temporary solution.

##### **b. Update on IBT Certification**

**Mr. Tom Fransen, DWR**

**Mr. Tom Fransen** reported that the IBT issue was to find out if discharge into Harris Lake would require a new certificate. The decision made in 2001 permits transfer of 24 million gallons per day from the Haw River basin to the Neuse River basin. The modification relates to the return of water after 2010 either to the Cape Fear River or the Haw River basin. **Mr. Fransen** reminded the WAC that the IBT conditions were decided before knowing the location of the WWTP site and the discharge options. If water is returned to the Haw, no certificate will be required.

A second option available to certificate holders is to discharge to the main stem of the Cape Fear based on the application of the "cork rule." **Mr. Fransen** said that any discharge to the Cape Fear basin other than the main stem (which includes Harris Lake) will require the certification process.

**Discussion: Commissioner Green** wondered if condition 1 of the IBT certificate (return of discharge to the Cape Fear River by 2010) will ever be met. He warned that it cannot be postponed indefinitely. He further observed that the small discharge to Durham County cannot be assumed to fulfill condition 1.

Concerning if the issue of main stem discharge had been specified in the 2001 certificate, **Commissioner Green** clarified that recent development had pointed to the main stem.

## **2. Update on Interbasin Transfer**

### **Mr. Steve Reed**

#### **a. Greenville Utilities Commission (GUC)**

**Mr. Steve Reed** informed the WAC that the IBT petition has been drafted and is under review by the Greenville Utilities Commission. DWR will review the petition later in March. **Mr. Reed** anticipated that the GUC petition might be an Action Item on the WAC May 2009 agenda.

#### **b. Brunswick County**

**Mr. Reed** said that a Notice of Intent submitted on February 17, 2009 provided a notice of four public meetings to be held between April 16 - 28, 2009.

#### **c. Kerr Lake Regional Water System**

**Mr. Reed** said that a Notice of Intent submitted on February 17, 2009 provided a notice of five public meetings to be held between April 1 - 8, 2009.

### **Discussion:**

**Mr. Reed** affirmed **Commissioner Green's** observation that the Brunswick County petition is unusual in that there is no discharge into an adjacent river basin. **Mr. Reed** said that the consultant has complied with the notice requirement by placing ads for public meetings in South Carolina. However, there is no anticipated impact of the Brunswick IBT in South Carolina because the discharge will be in the Atlantic Ocean.

**Mr. Reed** indicated that the notice requirement for Kerr Lake includes all counties in North Carolina and Virginia that are wholly or partially in the Roanoke, Tar, Fishing Creek, and Neuse Basins. The cost to publish these notices in newspapers was \$22,000. Notice for all water users is also required.

**Mr. Reed** introduced **Ms. Toya Fields**, the new IBT Coordinator, and credited her for the Power Point presentation on IBT updates.

### **3. Update - Ongoing DWR Activities**

#### **Mr. Tom Reeder, Director of DWR**

**Mr. Tom Reeder** presented DWR's major action items for this year. One major item is the implementation of the Drought Bill passed by the General Assembly last summer. The Review of Water Shortage Response Plans (WSRP's) is being done. About 50% of WSRP's are approvable (which implies 50% will be disapproved). The initial disapproval letters have already been mailed. Any system whose WSRP is disapproved will have to implement the EMC default water conservation measures when there is extreme drought (D-3 or D-4). Review is expected to be completed by July 1, 2009 and reported to the WAC. Each system whose WSRP is disapproved will be provided with a checklist of deficiencies. In addition, the system can go to the DWR website to check the required criteria so that it can correct plan deficiencies.

DWR is also working on River Basin Water Supply Plans. The plans use the OASIS hydrologic model to project 30-50 years into the future and to identify any projected water supply shortages. The first draft of the Cape Fear River Basin Plan is completed. The Roanoke and Neuse plans will follow. The staff will brief the WAC on the Cape Fear River Basin Plan in May.

**Mr. Reeder** also discussed the joint work of the DWR and the Division of Coastal Management (DCM) on the NC Beach Integrated Management Plan (NC BIMP) as mandated by the General Assembly. Multiple meetings for public input are being held. The Draft NC BIMP is expected to be completed by May 2009. A briefing to WAC will be presented in July. It is estimated that dredging and nourishment maintenance under the NC BIMP will cost the state between \$30-50 Million per year.

DWR will have 2 cycles of projects next year: the FY-2010 regular development plan of \$20 million and the USACE set of projects from the Economic Recovery Projects. FY-2009 Spring Grant Projects totaling approximately \$1.5M have just been awarded. Updates will be provided during the summer.

Water withdrawal reporting for all registered users is due on April 1. The first Agricultural Survey will be done in July 2009 as mandated in the 2008 Drought Bill.

**Mr. Reeder** cited other DWR projects related to the Water Allocation Study. Updates will be provided on potential legislation resulting from the study recommendations.

The DWR is also involved with two bi-state commissions. The Catawba-Wateree Commission meets three or four times per year and had been anticipated by the North Carolina Attorney General's Office as a means to resolve the United States Supreme Court suit filed by the South Carolina Attorney General. The South Carolina Attorney General prefers the case to be decided by the Supreme Court. The Roanoke bi-state commission will meet for the first time on March 27. The main topic will be the Kerr Lake IBT request.

#### **Adjournment**

There being no further business to discuss, **Chairman E. Leo Green, Jr.** dismissed the assembly at 12:10 P.M.

(Adjournment)

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