

## **Summary of Water Allocation Committee Meeting**

September 8, 2004, 11 AM  
Conference Room #3, 14<sup>th</sup> Floor, Archdale Building  
Raleigh, NC

### **Agenda**

#### **Status Reports**

##### **I. Central Coastal Plain Capacity Use Area**

Nat Wilson of the Division of Water Resources (DWR) presented the two-year status report required by the Central Coastal Plain Capacity Use Area (CCPCUA) rules. This report is available for download at:

[http://www.ncwater.org/Reports\\_and\\_Publications/Ground\\_Water\\_Branch/CCPCUAStatRep2004.pdf](http://www.ncwater.org/Reports_and_Publications/Ground_Water_Branch/CCPCUAStatRep2004.pdf)

Mr. Wilson reported that it is relatively early in the permitting process; therefore great progress on overuse problems should not yet be expected. However, it appears the rules are having the intended effect that water users are making efforts to find and develop alternative water sources. The report observed that water users who use less than 100,000 gallon per day account for a relatively small portion of daily demand. Further, agricultural water use appears to be much less than previously estimated, an estimated 1.5% of Cretaceous aquifer use in 2003, down from a previous estimate of 34%.

Under current permits, about 48% of public water supply needs are met by Cretaceous aquifers versus 17% of all needs. These percentages may change as future permits are issued.

DWR makes available withdrawal and water level data reported by permit holders and applicants, data from the monitoring well network, and data from the hydrologic framework.

DWR will present to the Environmental Management Commission (EMC) in 2008 an updated analysis of aquifer conditions, which may influence the Commission to change the CCPCUA permitting rules.

##### **II. Southern Coastal Plain Capacity Use Investigation**

This is a follow-up point to the discussion in the last Water Allocation Committee (WAC) about the capacity use investigation. In that meeting, it was recommended that an agreement be reached between Lumber River Council of Governments (LRCOG), the EMC, and DWR instead of designating a capacity use area. Mr. Wilson presented this draft agreement. The draft agreement is available for download at:

[http://www.ncwater.org/Reports\\_and\\_Publications/Ground\\_Water\\_Branch/LRCOGdraftagreement.pdf](http://www.ncwater.org/Reports_and_Publications/Ground_Water_Branch/LRCOGdraftagreement.pdf)

The agreement describes proposed steps by LRCOG and its stakeholders in the next few years. The EMC may review progress in the SCP made by LRCOG and DWR at their discretion. If LRCOG's and DWR's activities do not provide protection for the ground water resources (especially the overuse of the Black Creek and Upper Cape Fear aquifers) in the next 3 to 5 years then the EMC may decide to institute a capacity use area designation.

Before the meeting, LRCOG commented on the draft agreement. Their comments were:

1. LRCOG desires to change the regional planning effort by splitting Richmond, Scotland, Hoke & W Robeson into a separate planning group from Cumberland, Bladen, Sampson & E Robeson.
2. LRCOG thinks an 18-month deadline for Smithfield Foods would mesh better with certain funding mechanisms.

Chairman Green commented that he feels it is very important to inform the water users in the region during the 18-month period of the necessity of protecting the aquifers.

Dr. Moreau asked about the possibility that Smithfield Foods be a separate party to the cooperative agreement. Jim Perry of LRCOG commented that he felt Smithfield would honor the agreement as it is currently set up.

It was decided that the agreement would be presented to EMC for review in October, and that the 18-month period would begin on September 8, 2004.

### **III. Interbasin Transfer Update**

Phil Fragapane of DWR presented the following information:

#### **A. Cary, Apex, Morrisville Wake Co IBT Certificate**

In July, the Town of Cary informed DWR about the potential for exceeding their 24 mgd max day transfer limit in the event of an extended period of hot, dry weather. At the suggestion of DWR, they requested a temporary increase in the transfer amount by 2 mgd as a contingency measure to avoid exceeding the limit. Cary estimates that the potential to exceed the certificate transfer amount exists until the end of 2005 when the second phase of infrastructure construction will be in place in order to return wastewater to the Cape Fear through the Durham County Triangle WWTP.

#### **Background**

- Original certificate request including contingency was for 27 mgd.
- Peak day transfer: 22.6 mgd on May 29, 2004.
- With recent weather, IBT not expected to exceed limit this year.
- First phase of WW transfer line to Durham Co to send 0.4 mgd by January 05, second phase will send an additional 0.8 mgd by the end of 2005.

Original idea was to invoke section (j) of the IBT statute, which allows the Department to permit temporary increase in the transfer in the event of a “temporary condition in which the public health requires a transfer of water”. On second review with the AG’s office, it appears this section does not currently apply in this case.

Since the request, it has been wet and there will likely be no danger of exceeding the limit this year.

It was pointed out that Jordan Lake is currently near full and that downstream users would not be impacted currently by a small exceedance of the certificate limit.

## **B. Concord/Kannapolis IBT**

Concord and Kannapolis have jointly submitted an EIS to support an IBT request of 24 mgd (average day basis) from a combination of the Catawba River basin and the Yadkin-Pee Dee River basin to the Rocky River subbasin. The associated maximum day IBT would be up to 38 mgd from the Catawba and up to 10 mgd from the Yadkin-Pee Dee. Water supply shortfall is expected by 2010.

The first draft was reviewed by DENR. Meeting was held to discuss comments. Issues raised in the meeting:

- Impacts of concern are secondary and cumulative.
- State listed freshwater mussel species, federally listed Schweinitz sunflower. Carolina heelsplitter of concern but no individuals found in area of interest.
- Land use issue associated with changing from rural uses to high-density land use causing impact to stream habitat.
- Stream buffers widths.
- USFWS and South Carolina to be informed of proposal.

Current draft will be reviewed again by DENR before SCH. After SCH and receiving petition, matter will be presented to WAC for OK to go the EMC to approve public hearing on EIS and petition.

## **IV. House Bill 1215: Water Conservation and Reuse**

John Morris of DWR presented the current status of setting rules for water conservation according to the requirement set by HB 1215. The next step is to finish the latest revision of the rules and present this to the WAC for its feedback before consulting with the technical advisory committee of water users. With this input, the revision should be ready to present to the EMC.

Chairman Green suggested that a special meeting of the committee be called to discuss the matter and try to find a consensus among committee members.