

REGULATION OF SURFACE WATER TRANSFERS FACT SHEET

In 1993, the Legislature adopted the Regulation of Surface Water Transfers Act (G.S. 143-215.22I). The statute was subsequently modified under Senate Bill 947 in 1997 and Senate Bill 1299 in September, 1998. The intention of the law is to regulate large surface water transfers between river basins by requiring a certificate from the Environmental Management Commission (EMC). In general, a transfer certificate is required for a new transfer of 2 million gallons per day (MGD) or more and for an increase in an existing transfer by 25 percent or more, if the total including the increase is 2 MGD or more. However, if a transfer facility existed or was under construction on July 1, 1993, a certificate is not required up to the full capacity of that facility to transfer water, regardless of the transfer amount.

Responsibility for obtaining a transfer certificate belongs to the owner of the pipe where it crosses the basin boundary. However, another party involved in the transfer can assume that responsibility, if approved by the Division of Water Resources.

The amount of a transfer is determined as the amount of water moved from the source basin to the receiving basin, less the amount of water returned to the source basin. Therefore, any water consumption or loss that occurs in the receiving basin would be considered a transfer, even if the remaining wastewater is discharged back to the source basin. If out-of-basin losses are 2 MGD or greater, then certification would be required.

A map showing the major river basins and sub-basins in North Carolina, as defined in the statute, is provided on the reverse side of this sheet. Only transfers of surface water from one defined river basin or sub-basin to another defined river basin or sub-basin are subject to regulation.

An environmental assessment must be prepared for all petitions for certification. The determination of whether an environmental impact statement is also required will be made in accordance with Article 1 of Chapter 113A of the General Statutes. Applicants must provide a description of the transfer facilities, the proposed water uses, water conservation measures to assure efficient use, and any other information necessary for the EMC to fully evaluate the request. The statute requires extensive public notice and a public hearing. Among the items that the EMC must consider in determining whether a certificate may be issued for a transfer are:

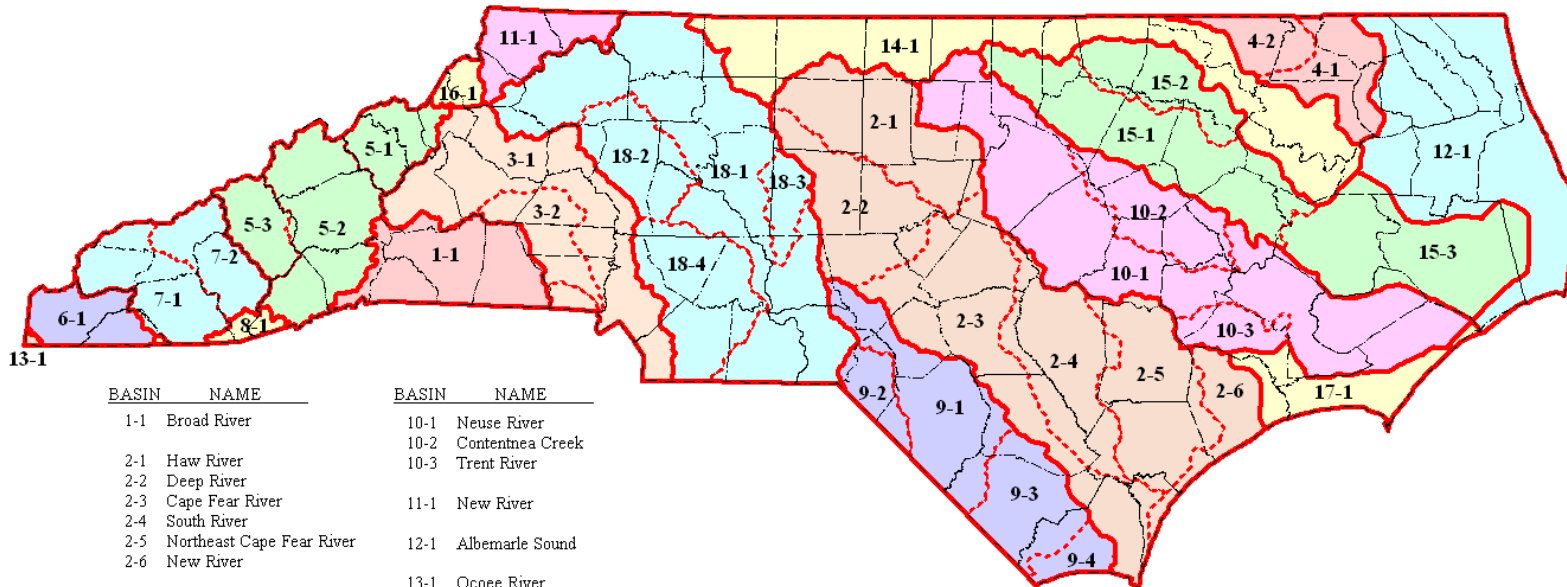
- ▶ The necessity, reasonableness, and beneficial effects of the transfer.
- ▶ Any detrimental effects on both the source river basin and receiving river basin.
- ▶ Reasonable alternatives to the proposed transfer, including their probable costs and environmental impacts.
- ▶ Projected municipal water needs in the source basin.
- ▶ The cumulative effect on the source basin of any water transfer or consumptive water use that is currently authorized under this law or projected in any local water supply plan.

A certificate will be granted for a transfer if the applicant establishes and the EMC concludes by a preponderance of the evidence that (i) the benefits of the proposed transfer outweigh the detriments of the transfer, and, (ii) the detriments have been or will be mitigated to a reasonable degree. The EMC may grant the petition in whole or in part, or deny it, and may require mitigation measures to minimize detrimental effects. The statute also provides for civil penalties of up to \$10,000 for failing to obtain a certificate where one is required or for violating the terms of a certificate.

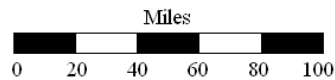


Major River Basins & Sub-Basins in North Carolina

As defined in G.S. 143-215.22G



BASIN	NAME	BASIN	NAME
1-1	Broad River	10-1	Neuse River
2-1	Haw River	10-2	Contentnea Creek
2-2	Deep River	10-3	Trent River
2-3	Cape Fear River	11-1	New River
2-4	South River	12-1	Albemarle Sound
2-5	Northeast Cape Fear River	13-1	Ocoee River
2-6	New River	14-1	Roanoke River
3-1	Catawba River	15-1	Tar River
3-2	South Fork Catawba River	15-2	Fishing Creek
4-1	Chowan River	15-3	Pamlico River & Sound
4-2	Meherrin River	16-1	Watauga River
5-1	Nolichucky River	17-1	White Oak River
5-2	French Broad River	18-1	Yadkin River
5-3	Pigeon River	18-2	South Yadkin River
6-1	Hiwassee River	18-3	Uwharrie River
7-1	Little Tennessee River	18-4	Rocky River
7-2	Tuckasegee River		
8-1	Savannah River		
9-1	Lumber River		
9-2	Big Shoe Heel Creek		
9-3	Waccamaw River		
9-4	Shalotte River		



Legend

- ⋯ Sub-Basin River Boundary
- ▭ Major River Basin Bounda
- County Boundary

Division of Water Resources
919-733-4064