



North Carolina Department of Environment and Natural Resources
Division of Water Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary
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Staff Summary of the Hearing Officer's Recommendations for the proposed increase in Interbasin Transfer from the Catawba River Sub-Basin to the Rocky River Sub-Basin by the Charlotte-Mecklenburg Utilities

Background

Charlotte-Mecklenburg Utilities (CMUD) is requesting an increase from the grandfathered Interbasin Transfer (IBT) of 16.1 million gallons per day (mgd) to 33 mgd (maximum day basis). The proposed IBT is based on additional water withdrawals from the Catawba River Subbasin. IBT will increase due to transfer of the water to the Rocky River Subbasin via consumptive use in eastern Mecklenburg County and existing discharges. CMUD is requesting a permitted IBT increase to 33 mgd, which will allow CMUD to meet projected water supply demands through the year 2030 in eastern Mecklenburg County.

One of the concerns related to secondary impacts is how growth will impact the Carolina Heelsplitter in the Goose Creek watershed (a small watershed in the Rocky River Subbasin). The Carolina Heelsplitter is a federally listed endangered mussel. The Carolina Heelsplitter has only six known populations, two in North Carolina and four in South Carolina. *This IBT does not include transfers associated with water or wastewater service provided to the Goose Creek watershed in the Town of Mint Hill in Mecklenburg County.*

In the Catawba River Subbasin, storage in and flow through the Catawba-Wateree Project reservoirs, lost electrical generation, and reduced flow in the Catawba River immediately below Lake Wylie, in South Carolina, would be the major resources potentially affected. The indirect and cumulative impacts would result primarily from changes in flow or lake levels. Operations of the Catawba-Wateree Project reservoirs were modeled using Duke Power's reservoir operations model.

The model results indicated that there would be no changes in the surface water elevations of the lakes due to the proposed increased IBT. Duke Power will manage the lakes and its power generation to offset increased water withdrawals to maintain the minimum release requirements and operating lake surface elevations. The IBT will not require additional permitted wastewater discharges or any construction in either basin.

The IBT will provide additional water supply to support additional growth and development in the Rocky River Subbasin. Mitigation measures presented in this IBT Petition are expected to mitigate secondary impacts related to growth and development. The proposed IBT will not result in significant cumulative impacts in either the source or Rocky River Subbasins.

Hearing Officer's Recommendations

The interbasin transfer environmental review and petition were completed in October 2001. One public hearing was held in Huntersville, NC on December 11, 2001, at the Charlotte-Mecklenburg Utilities' North Mecklenburg Water Plant. A total of three oral comments and seven written comments were received during the comment period that closed December 14, 2001.

As a result of the comments received during the public process and requirements set forth in the North Carolina General Statutes, the Hearing Officer recommends that the Environmental Management Commission grant the Charlotte-Mecklenburg Utilities an increase in their interbasin transfer from 16.1 mgd to 33 mgd with the following conditions:

1. Require Mecklenburg County to summarize progress in implementation of watershed management approaches of the Surface Water Improvement and Management Program (SWIM) on an annual basis. The Division of Water Resources shall have the authority to approve modifications to and need for continued reporting as necessary.
2. Require Mecklenburg County and the City of Charlotte to continue the stakeholder process to investigate water quantity control from single-family development and water quality control for all development until completed. To accomplish this end, the stakeholder group should consider evaluating the feasibility of single-family detention and recommending ordinance revisions based on technical, political, long-term maintenance, cost, and benefits related to the proposed ordinance changes.

The first two conditions are mitigation measures that were included in CMUD's petition.

3. The Goose Creek subbasin in Mecklenburg County is removed from the area to be served by the IBT. A moratorium on the installation of new interbasin transfer water lines (water lines crossing the ridgeline) into Goose Creek subbasin is in effect until the impacts of additional growth urban growth on the endangered species are fully evaluated. This moratorium will not impact Charlotte-Mecklenburg Utility's ability to fully utilize existing water lines. The Division of Water Resources shall have the authority to grant exemptions for reasons of public health and safety for dwellings existing on or before March 14, 2002.

The last two conditions 4 and 5 are similar to conditions the commission included in the earlier Cary/Apex/Morrisville/Wake County certificate, a reopener clause and conditions on drought management and compliance reporting.

4. If either the EA is found at a later date to be incorrect or new information becomes available such that the environmental impacts associated with this transfer are substantially different from those projected impacts that formed the basis for the above Findings of Fact and this certificate, the Commission may reopen the certificate to adjust the existing conditions or require new conditions to ensure that the detriments continue to be mitigated to a reasonable degree.
5. Require the applicant to develop a compliance and monitoring plan for reporting maximum daily transfer amounts, compliance with certificate conditions, progress on mitigation measures, and drought management activities. The Division of Water Resources shall have the authority to approve modifications to the compliance and monitoring plan and drought management plan as necessary.

Recommendation:

As a result of the comments received during the public review process and the requirements set forth in the North Carolina General Statutes, the Hearing Officer and the Director of the Division of Water Resources recommend granting CMUD an increase in their interbasin transfer from 16.1 mgd to 33.0 mgd with conditions.