

Division of Water Resources

HB1215 Summary Update

March 8, 2006

Section 3 of House Bill 1215 (Session Law 2002-167) requires the Environmental Management Commission to develop and implement rules governing water conservation and water reuse during drought and other water supply emergencies for the following water users:

- Publicly and privately owned water supply systems,
- State agencies,
- Local governments,
- Business and industrial water users, &
- Agricultural and horticultural water users.

Purpose of the rule: To minimize harmful impacts on public health and safety, environmental quality, and the economy by establishing minimum standards and practices for water shortage response planning, water use reporting, water conservation, and water reuse during droughts and water supply emergencies.

Status:

- Completed three public hearings Lexington (57 attendees), Goldsboro (69 attendees) and Asheville (61 attendees)) with 187 persons total attending and 52 providing oral comments covering all classes of water users.
- The public comment period closed Monday, March 6, 2006.
- We have received 40 written comments.
- Electronic submission of comments can be viewed on the HB1215 Message Board at: http://www.ncwater.org/Water_Supply_Planning/Water_Conservation/hb1215/topics.php
- DWR staff is currently compiling comments and responses along with possible rule changes for the hearing officers' report.
- Hearing Officers, as well as other members of the Water Allocation Committee, were sent CDs with data files of the audio recordings of the three public hearings.

Key Concerns with the Proposed Rules:

- Annual reporting of water use data
- Electronic reporting of water use data
- Water shortage response planning requirements
- Default water shortage response plan requirements for community water systems failing to meet planning requirements
- Not establishing priorities for water use during shortages
- Rules should be stricter during extreme and exceptional droughts
- Restrictions should start earlier (during moderate drought & severe drought)
- Rules will adversely affect business
- Rules have no teeth
- Water resources planning should be done on a local level
- There is no useful purpose for data that is being required to be reported
- We are the only industry being singled out

Next Steps:

- After compiling all public comments DWR staff will consult with the Hearing Officers on what changes may be needed.
- Once the Water Allocation Committee approves the Hearing Officers' report and decides on possible rule changes, we will take the proposed rules to the full Environmental Management Commission.
- Once the Environmental Management Commission approves the final rule language, we will proceed to take the rules to the Rules Review Commission.
- After approval by the Rules Review Commission the rules will go to the General Assembly for their review.

Proposed Timeline:

Proposed Dates & Deadline	Action	Comment
01/03/2006	Notice of Text published in NC Register	Register Issue 20:13
01/18/2006	Public Hearings start date	15 day minimum from Notice of Text publication (Page 8 150B – 21.2 e & f)
01/18/2006 - 03/06/2006	Public Hearings: Lexington (1/19/06), Goldsboro (1/24/06), & Asheville (1/31/06)	45 day window for public hearings, could be longer if comment period longer
03/06/2006	Public Comment Period closed	Comment period ends 60 days from date Notice of Text published or when public hearings are completed if greater than 60 days.
03/08/2006	Update Water Allocation Committee (WAC)	Status of compiling input for hearing officer report.
04/??/2006	Consult with Hearing Officers	Discuss public comments and recommended changes to proposed rules.
06/13/2006	EMC Mail out	Deadline for submitting materials for mail out (30 days prior to meeting)
07/13/2006	EMC meeting	Hearing Officers present Report of Proceedings, Hearing Officers' recommendations, seek adoption of permanent rule
07/17/2006	Deadline to Submit Perm Rule to RRC	
08/17/2006	RRC Review	Proposed rule becomes effective first day of the month following RRC approval, unless ten written comments request legislative review.
	Meet 3 rd Thursday of the month at 10:00am	Proposed rules are subject to legislative disapproval, if ten written comments request a legislative review or based on the General Assembly review.
		If there are changes per RRC, the RRC must determine if the changes are substantial. If so, the revised rule must have notice & possible hearing.
09/01/2006	Effective Date if no written comments	
04/01/2007	Effective Date if written comments are received	The 31 st day of 2007 Regular Session of the General Assembly