

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

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

9:00-10:00 a.m.
Wednesday, March 13, 2013

Water Allocation Committee (WAC)

Commissioner Mayor Darryl D. Moss, Chair
Commissioner Stephen Smith, EMC Chair
Commissioner Marvin S. Cavanaugh, Sr.
Commissioner Steve Keen
Commissioner Jeffrey Morse
Commissioner Dickson Phillips, III
Commissioner Clyde E. Smith, Jr.
Commissioner Steve Tedder
Commissioner Amy Pickle
Commissioner Benne C. Hutson

Item I. Preliminary Matters

1. Committee Chairman, Commissioner Mayor Darryl D. Moss, 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. Benne C. Hutson recused himself from the CMUD discussion because of his previous representation of the city of Charlotte. Amy Pickle will be stepping back as well.

2. Minutes and Agenda

The committee approved the minutes of the January meeting as a true and accurate summary of the proceedings. The agenda for the January meeting included an update of the Central Coastal Plain Capacity Use Area Five Year Assessment and the Orange Water and Sewer Authority Request to Convert Allocation.

Item II. Action Items

- 1. Request for approval to convert Orange Water and Sewer Authority's Jordan Lake water supply storage allocation from a level II to level I**

This item was a follow-up to the information item presented during the January meeting. The Orange Water and Sewer Authority (OWASA) made a request in December that their level II be converted into a level I allocation. Jordan Lake is the only lake in which the state owns the water supply pool. The commission has the responsibility to allocate that water. One of the tasks of the commission is converting level II's into level I's. The levels were created as accounting tools. The different levels were originally put together as an accounting tool to allow municipalities to defer costs. A level II allocation means a municipality does not need to use Jordan Lake right away, so they only have to pay the interest and the operations and maintenance costs. Level I municipalities have to pay on the principal, interest and the operations and maintenance. The allocation levels are

used as an accounting tool so that municipalities can delay costs until they need to use Jordan Lake water. The N.C. Division of Water Resources (DWR) has been working with OWASA on their need to use Jordan Lake. They want to move forward with modifying their drought plan so they can have access to Jordan Lake water during times of drought. The issues boil down to the water quality of Jordan Lake, unwanted growth and development, and a loss of conservation ethic. These issues are internal to OWASA and have been resolved. DWR is asking the committee to approve the level change so it can be taken to the full EMC. Stephen Smith received a letter from UNC Chapel Hill, which supports the request. Amy Pickle motioned to approve the request and it was seconded. The motion passed.

2. [Request for approval to proceed with the release of the Central Coastal Plain Capacity Use Area Draft 2013 Assessment Report for public comment](#)

The conclusions in the draft report are that we do not change the CCPCUA area, nor the percentages used for calculating the reductions. DWR is proposing to use provision .0502 (p) to allow for more flexibility in the permitting program. Water users are required to reduce withdrawals between 2002 and 2018 by between 30 to 75 percent, in three phases, from their approved base rate. Permit holders have asked how much is enough recovery? In the declining water level zone there needs to be a total of a 30 percent reduction after all three phases. In the dewatering zone and salt encroachment zones, there is a total of up to 75 percent reduction after all three phases. What number do we need to achieve? In some cases we may need to be more flexible than the broad based reduction plan.

There are a total of 607 monitoring wells at 204 sites statewide. There have been 177 news wells put in at 53 sites since 1998. Staff goes out to those wells quarterly. There is automatic recording equipment at 74 percent of those wells, which allows DWR to collect hourly data. Chloride sampling is done every 2 to 3 years. The CCPCUA requires daily reporting of water withdrawals by source, as well as monthly static and pumping water levels. This gives DWR a very accurate picture of how much water is being withdrawn from every well. This also includes agricultural withdrawals. The information from the production wells is important because it shows where the aquifer is being stressed the most. Some permit holders also have to monitor for chloride. There is still a concern about declining water levels and salt water encroachment in these aquifers. There is still a significant cone of depression in these areas. In 2008, there was a significant increase in water levels which DWR attributes to Neuse Regional Water and Sewer Authority (WASA). There was about a 90 percent cut back in the use of the Cretaceous aquifer in the Lenoir county area because of the Neuse WASA plant.

Some permit holders have suggested shifting the boundary between the declining water level and dewatering zones to the west of Kinston. DWR feels that shifting those zones is not the way to go because this would shift the wells out of the dewatering zone which are currently drawing pumping water levels below the aquifer top, or whose pump intakes are below the aquifer top. Another comment DWR has heard is that the boundary between zones is politically based. DWR believes that the boundary between zones is based on monitoring well water levels and the mapped areas of dewatering from 1998. Finally, some permit holders say that the mapped rebound is the result of the

25 percent reduction. DWR contends that several permit holders in Lenoir and Pitt counties have reduced their withdrawals to around 90 percent, which is well beyond the required 25 percent.

The division feels that there needs to be more flexibility to offer permit holders a different plan than the reduction schedule in the rule if the permit holders meet certain criteria. Economic hardship may be a valid factor for a different reduction plan. DWR feels this is a more customer friendly approach. The proposed criteria for a different plan are as follows: The static water levels must be at least 50 percent of the distance between the aquifer top and land surface; static water level trends must be level or upward trending; pump intakes must be above the aquifer top; pumping water levels must be above the aquifer top; and chloride concentrations in monitoring wells must be fresh with no upward trend. There seems to be the most friction with the first requirement. Many well intakes are still below the top of the aquifer. DWR will distribute the draft assessment report as a downloadable document in March and hold a public meeting on April 16 in Lenoir Community College in Kinston. DWR will accept public comments on the draft document until June 1. The final document, integrating comments, will be submitted to the EMC in September 2013, with a public comment appendix. DWR is asking that the committee approve moving forward with this draft document and the public meeting in April. DWR will report back in May about the meeting and the public comments received.

Comments and Questions: With the current rules, would you say there's partial success and we can't meet these reduction rules anymore? There have been plenty of permit holders that have used alternate sources. All permit holders have done something to move toward this objective, but now we need to go in and work on the best solution for each permit holder. Will some people have to invest in new wells? That is possible. The fewer wells you use the more stress you put on the aquifer. What do you mean by political boundaries? Some feel the zone boundaries fall along county lines. That probably had to do with where we had the most information. Where is the concern if you want to add more flexibility? Some permittees think that the proposed 50 percent requirement is too restrictive and that may not be the best way to measure success. What can we do to protect the aquifer and still see improvements? We want to continue to see available drawdown. Is the ultimate goal to get the aquifers to their highest levels since 1998 and what happens after that? Will they have the original capacity? We were using way too much water then and we want to move toward a more sustainable use of aquifers. In 1998 we were overusing the aquifers. We want to find the withdrawal amount that is sustainable in the long term. Water levels in the 1900's were above land surface. DWR is not after that either, but wants something sustainable that won't damage the aquifer. Do you have the numbers of how much reduction some have achieved and cost numbers? There is a report on the DWR website about cost and the result. You can find the report by going to http://www.ncwater.org/Permits_and_Registration/Capacity_Use/Central_Coastal_Plain/stataltsupply_030111.pdf. It looks like the EMC will have to do rule-making at some point to give the flexibility. When does that line up with the next set of reductions? We are hoping that the report will show you a way through without rule-making. There are provisions in the current rule that give us flexibility and we would like to take advantage of them. Redrawing the lines on the map could be a much more contentious process. All of these decisions are appealable. If permittees don't like DWR's decision, then it goes to the EMC. The provision is in the draft document. The committee would like to see the evidence about whether or not the line should be moved. Is this groundwater data available to the N.C. Drought Council? We do make it available to them. When hurricanes

come is the well level affected? These aquifers are deeply buried enough that they don't see the recharge. Because of that, the water is very high quality. The recharge happens very slowly. Will you send the change in the process to the committee for approval? Yes. The committee and EMC would approve the assessment document which contains the approval process. Is there room for change to the reduction zone boundaries? In the rules it says the EMC can redraw those lines after a public hearing. DWR feels it will be way more involved than that and it could take many years and be very contentious. Who makes the interpretation and would that come back to the committee? The final document would come to you in September for approval. We hope to include the flexibility factor within the assessment. The committee is concerned about the lack of rule-making, wants a more in-depth discussion with stakeholders and a better understanding of what additional criteria were put on the table before settling on the final criteria. Are we looking at a whole new temporary permit program? Temporary permits are allowable according to the statute and rules, but we haven't used that process yet. The committee would like to encourage hearing from Dr. Spruill. The committee would like to encourage the chairman to allow Dr. Spruill to come speak to the committee. The committee voted to approve the release of the assessment document for public comment.

Item III: Information Item

1. Reopener of the CMUD certificate

Ian McMillan gave an update to the presentation Toya did in the January meeting. DWR would like to reopen the Charlotte Mecklenburg Utilities Department (CMUD) Interbasin Transfer (IBT) certificate to add the Goose Creek subbasin back into the certificate. CMUD is not requesting an increase in the IBT. DWR has gone through State Environmental Policy Act (SEPA) process and the Finding of No Specific Impact (FONSI) is going to state clearinghouse. The comment period ends March 31. The public hearing was held on March 4 at the Mint Hill town hall. Most attendees were residents of Ashe Plantation which is currently served by Aqua. These residents were strongly in support of the recommendation due to the poor quality and high cost of the water. The next step will be submitting the Environmental Assessment package and a formal request to remove Condition 3 at the May meeting based on the approval of the FONSI.

Adjournment

There being no further business, **Chairman Mayor Darryl D. Moss**, dismissed the assembly at 10:20 a.m.