

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

May 11, 2005, 10:00 AM  
Conference Room #3, 14<sup>th</sup> Floor, Archdale Building  
Raleigh, NC

### **Committee Members Present**

Leo Green Jr, Chair  
David Moreau  
Kenny Waldroup

### **Information Items**

#### **I. Update on House Bill 1215 Water Conservation and Reuse**

**John Morris** of the Division of Resources (DWR) proposed a meeting of the Water Allocation Committee in June in order to discuss a number of alternatives for the administrative rules on water conservation.

The Committee suggested circulating a draft of the proposed rules and a holding a telephone conference call meeting of the Committee to discuss the draft.

#### **II. Southern Coastal Plain EMC/DWR/LRCOG Agreement**

**Nat Wilson** of DWR presented the second quarterly progress report of an agreement between the Lumber River Council of Governments, Bladen County, Smithfield Foods, and the Division of Water Resources.

**Mr. Wilson** pointed out that the groundwater monitoring network has expanded in the last year, and because of the added monitoring wells, it is now possible to better see the cone of depression in the Upper Cape Fear aquifer.

The next progress report will be presented in July.

#### **III. Goose Creek Condition of Charlotte-Mecklenburg Interbasin Transfer Certificate**

**Tom Fransen** of DWR reported that there is a proposal to construct a shopping mall in the Goose Creek watershed. In a letter from the Southern Environmental Law Center (SELC), there is a mention of a potential new line into the Goose Creek basin, which would violate a condition of the certificate designed to protect the Carolina heelsplitter, a federally endangered mussel. When asked about this line, Charlotte Mecklenburg Utilities (CMUD) replied that the line in question was constructed in four phases and that the phase that crosses the ridge in to the basin was completed and activated in August 2000, before the certificate was issued and therefore not in violation of the condition.

**Mr. Fransen** said that concern is whether construction of the mall would constitute a violation of the certificate. There are currently no clear plans for CMUD to supply water and sewer services to the mall. Mr. Fransen said that though the condition in the certificate

stipulates that no new water lines are allowed into or out of the basin, it does not affect how lines that existed at the time the certificate was issued.

**Commissioner Moreau** pointed out that the condition states “the moratorium on the installation of new interbasin transfer lines is in effect until the impacts of additional urban growth on the endangered species are fully evaluated.” He also posed the question of who is responsible for the evaluation, whether the certificate holder or the Commission. He said that the implication of “fully evaluated” is that some type of report should be prepared.

**Mr. Morris** said that DWR’s idea of the evaluation is that the certificate holder and environmental agencies communicate and negotiate until the agencies are satisfied that impacts to the endangered mussel are adequately mitigated.

**Mr. Fransen** said that there is an inconsistency in the IBT certificate in that on one hand the certificate says the IBT does not apply to the Goose Creek Basin and on the other hand says that existing lines crossing into or out of Goose Creek are not affected by the certificate.

It was pointed out that there was no clear limit placed on the existing line and that it may be necessary to make an engineering judgement as to the capacity of the 16-inch line that crosses in to the Goose Creek basin.

**Mr. Morris** pointed out that the water line in question into the Goose Creek was a relatively minor part of the issues raised in the letter by SELC. Other issues included zoning laws that allow a mall to be built in the watershed and a discharge permit issued by the Division of Water Quality (DWQ) that may not adequately protect water quality according to SELC.

**Commissioner Moreau** said that if the Goose Creek watershed demands were not included in the demands estimate in the original IBT request, then transfers into the Goose Creek should be limited to 2 MGD according to the IBT statute.

**Commissioner Green** asked how much of the original 16.1 million gallons per day IBT request, how much was planned to be sent to the Goose Creek Basin.

It was decided that it is necessary to go back and look at the original demand projections to see how much was planned to go the Goose Creek. This will be presented in the next meeting of the Committee.

**Commissioner Green** raised the question of the role of the EMC when there is a question raised concerning certificate violation.

It was decided that the committee should have staff gather information and report back in order to reconsider the issue in a future meeting.

#### **IV. Concord Kannapolis Interbasin Transfer Update**

**Phil Fragapane** of DWR reported that the public hearings for this IBT process are scheduled for June 22 at the University of North Carolina at Charlotte, and June 23 in Albemarle. The hearings were delayed for a few weeks while the applicants were addressing comments from DWQ and Commissioner Moreau.